

for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. RUMPLE: Petition of citizens of Second Congressional district of Iowa, urging the passage of House bills 178 and 179, proposing to reduce the tax on whisky—to the Committee on Ways and Means.

Also, petition of Baconian Club, of Iowa City, Iowa, favoring the passage of bill making use of the metric system compulsory throughout the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. RUPPERT: Petitions of Edward M. Young, Adolph Kobitzsch, and other citizens of New York City, for repeal of the duties on beef, veal, mutton, and pork—to the Committee on Ways and Means.

Also, resolutions of the Republican Club of the Eleventh assembly district of New York, Woman's Republican Association and Stereotypers' Union No. 1, of New York, and West End Woman's Republican Association, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. RYAN: Petition of Mill Hands' Union No. 132, of Buffalo, N. Y., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, petition of Tug Firemen and Linemen's Protective Association of the Great Lakes, of Buffalo, N. Y., and Chicago, Ill., favoring House bill 9053, to enforce the law of domicile—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Illinois: Resolutions of Mine Workers' Union No. 683, of Murphysboro, and Federal Labor Union, No. 9718, New Burnside, Ill., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. SULZER: Resolutions of Eleventh Assembly District Republican Club, Stereotypers' Union No. 1, Woman's Republican Association, and West End Woman's Republican Association, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of General Society, Daughters of the Revolution, at Denver, Colo., Adaline W. Sterling, president-general, for the passage of House bill 98, relating to military park at Valley Forge—to the Committee on Military Affairs.

Also, petition of Ben Stern, Morris Greenfield, and other citizens of New York City, asking that the duty on beef, veal, mutton, and pork be repealed—to the Committee on Ways and Means.

By Mr. THAYER: Resolutions of Temple Ohabei Shalom, Boston, Mass., in relation to violations of treaty engagement with the United States by the Russian Government—to the Committee on Foreign Affairs.

SENATE.

THURSDAY, May 8, 1902.

Prayer by Rev. FREDERICK LUKE WISEMAN, of Birmingham, England.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

USELESS PAPERS IN THE EXECUTIVE DEPARTMENTS.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting schedules of papers on the files of various offices of that Department, and in buildings under the control of that Department belonging to the United States, and in rented buildings, which are not needed in the transaction of public business and which have no permanent value or historical interest. The Chair suggests that only the letter of transmittal be printed, and that it, together with the accompanying papers, be referred to the Joint Select Committee on the Destruction of Useless Papers in the Several Executive Departments, and that they be ordered to lie on the table.

DISTRIBUTION OF DOCUMENTS.

The PRESIDENT pro tempore laid before the Senate the bill (S. 4872) to amend an act entitled "An act governing the public printing and binding and the distribution of public documents," approved January 12, 1895, returned from the House of Representatives in compliance with the request of the Senate.

Mr. PLATT of New York. The Senate having passed a similar House bill, I move that the Senate bill be indefinitely postponed.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had

disagreed to the amendments of the Senate to the bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. HEMENWAY, and Mr. McRAE managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (S. 4868) granting an increase of pension to James H. Walker;

A bill (S. 5105) fixing the terms of the circuit and district courts in and for the district of South Dakota, and for other purposes;

A bill (H. R. 4446) for the relief of Harry C. Mix; and

A joint resolution (H. J. Res. 177) providing for the printing of the American Ephemeris and Nautical Almanac.

PETITIONS AND MEMORIALS.

Mr. DEPEW presented a petition of the Twenty-fifth Assembly District Committee of New York, praying for the enactment of legislation to increase the salaries of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Lodge No. 363, Brotherhood of Locomotive Firemen, of New York City, N. Y., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was referred to the Committee on the Judiciary.

Mr. FAIRBANKS presented a petition of Local Union No. 677, United Mine Workers of America, of Knightsville, Ind., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented petitions of Lodge No. 55, Brotherhood of Railroad Trainmen, of Huntington; of Lafayette Division, No. 302, Order of Railway Conductors, of Lafayette; of Lodge No. 361, Brotherhood of Railroad Trainmen, of Princeton; of Garrett Division, No. 153, Brotherhood of Locomotive Engineers, of Garrett; of Wayne Division, No. 119, Order of Railway Conductors, of Fort Wayne, and of Hoosier Lodge, No. 261, Brotherhood of Railroad Trainmen, of Indianapolis, all in the State of Indiana, praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were referred to the Committee on the Judiciary.

Mr. HEITFELD presented a petition of the Federated Trades and Labor Council of Boise, Idaho, praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented a memorial of Pocatello Lodge, No. 198, International Association of Machinists, of Pocatello, Idaho, remonstrating against the giving out of contracts to any foreign firms for the construction of certain Government vessels; which was referred to the Committee on Naval Affairs.

He also presented memorials of Retail Clerks' Local Union No. 560, of Pocatello, and of Pocatello Lodge, No. 198, International Association of Machinists, of Pocatello, in the State of Idaho, remonstrating against the continuance of the order discriminating against Government employees seeking to better their condition; which were referred to the Committee on Civil Service and Retrenchment.

Mr. SIMMONS presented a petition of Local Division No. 2671, Brotherhood of Locomotive Engineers, of Asheville, N. C., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was referred to the Committee on the Judiciary.

Mr. WELLINGTON presented a petition of Altamont Lodge, No. 448, Brotherhood of Locomotive Firemen, of Cumberland, Md., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was referred to the Committee on the Judiciary.

Mr. HOAR presented a petition of Local Division No. 157, Order of Railway Conductors, of North Easton, Mass., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of a substitute therefor; which was referred to the Committee on the Judiciary.

Mr. SCOTT presented petitions of Local Division No. 448, Brotherhood of Locomotive Engineers, of Bluefield; of Lodge No. 236, Brotherhood of Locomotive Firemen, of Hinton; of Lodge No. 395, Brotherhood of Locomotive Firemen, of Benwood, and of Local Division No. 190, Brotherhood of Locomotive Engineers, of Huntington, all in the State of West Virginia, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were referred to the Committee on the Judiciary.

Mr. QUAY presented a petition of the Engineers' Society of Western Pennsylvania, of Pittsburgh, Pa., praying for the enactment of legislation authorizing the adoption of the metric system of weights and measures as the standard of weights and measures in the various departments of the United States Government; which was referred to the Select Committee on Standards, Weights, and Measures.

Mr. HEITFELD. I present a memorial of the Delaware tribe of Indians, residing in the Cherokee Nation, relative to their several claims against the United States, which they request may be referred to the courts for adjudication. I move that the memorial be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. HEITFELD. I present a petition of sundry citizens of Hilo, Hawaii, praying for the construction of a breakwater in Hilo Bay. I move that the petition be printed as a document and referred to the Committee on Pacific Islands and Porto Rico.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. HEITFELD, from the Committee on Territories, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8736) ratifying the act of the Territorial legislature of Arizona, approved March 2, 1901, providing a fund for the erection of additional buildings for the University of Arizona; and

A bill (H. R. 7034) for the relief of Navajo County, Ariz.

Mr. WETMORE, from the Committee on the Library, to whom was referred the bill (S. 4657) for the erection of a statue of Commodore John D. Sloat in the city of Monterey, Cal., reported it with amendments, and submitted a report thereon.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 1022) for the relief of Alvin M. Ryerson, reported it without amendment, and submitted a report thereon.

A PRIMER OF FORESTRY.

Mr. PLATT of New York. I am directed by the Committee on Printing to report a joint resolution providing for the printing of 17,500 copies of Bulletin No. 24, Department of Agriculture, entitled "A Primer of Forestry," and I ask for its immediate consideration.

The joint resolution (S. R. 95) providing for the printing of 17,500 copies of Bulletin No. 24, Department of Agriculture, entitled "A Primer of Forestry," for the use of Congress and the Department of Agriculture, was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed 17,500 copies of Bulletin No. 24, of the Division of Forestry of the Department of Agriculture, entitled "A Primer of Forestry," 2,500 copies for the use of the Senate, 5,000 copies for the use of the House of Representatives, and 10,000 copies for the use of the Department of Agriculture.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLIARD AND POOL TABLES.

Mr. McMILLAN. I am directed by the Committee on the District of Columbia, to whom were referred the amendments of the House of Representatives to the bill (S. 3439) to amend an act entitled "An act to license billiard and pool tables in the District of Columbia, and for other purposes," to move concurrence therein.

The PRESIDENT pro tempore. The amendments of the House of Representatives will be stated.

The SECRETARY. In line 10, after "any," to insert "billiard or;" in line 10, after "or," to insert "billiard or;" and in line 10, after "table," to insert "operated in connection with a barroom or other place where intoxicating liquors are sold."

The PRESIDENT pro tempore. The Senator from Michigan moves that the Senate concur in the amendments.

The motion was agreed to.

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. MONEY introduced a bill (S. 5706) for the relief of Mrs. Julia A. Thomas; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5707) for the relief of William Parker; which was read twice by its title, and referred to the Committee on Claims.

Mr. WELLINGTON introduced a bill (S. 5708) granting a pension to Clara J. Lusby; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5709) for relief of the estate of Cyrus Martin; which was read twice by its title, and referred to the Committee on Claims.

Mr. HANSBROUGH introduced a bill (S. 5710) granting an increase of pension to Jefferson Hoover; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MORGAN introduced a bill (S. 5711) for the relief of the estate of Mary McCaa; which was read twice by its title, and referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 5712) granting an increase of pension to Edwin F. Witham; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. KITTREDGE introduced a bill (S. 5713) for making a grant of alternate sections of the public lands in the district of Alaska to aid in the construction of a certain railroad in said district, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENTS TO BILLS.

Mr. BARD, Mr. CULLOM, and Mr. QUAY submitted amendments intended to be proposed by them to the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. McMILLAN submitted an amendment intended to be proposed by him to the bill (S. 4825) to provide for a union railroad station in the District of Columbia, and for other purposes; which was ordered to lie on the table and to be printed.

ELECTION OF UNITED STATES SENATORS.

Mr. BERRY. I offer a resolution for which I ask present consideration.

The resolution was read, as follows:

Resolved by the Senate, That the Committee on Privileges and Elections be, and are hereby, discharged from further consideration of House joint resolution No. 41, entitled "A resolution proposing an amendment to the Constitution providing for the election of Senators of the United States," and that such resolution be placed upon the Calendar.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. BURROWS. I should like to see the resolution before action is taken, and I object to its present consideration. Let it go over for one day.

The PRESIDENT pro tempore. The resolution will go over under the rule.

FUNERAL OF REAR-ADMIRAL WILLIAM T. SAMPSON.

Mr. PERKINS. I offer the resolution which I send to the desk, and I ask unanimous consent of the Senate that it may be acted upon at this time.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Whereas the Senate having heard with profound grief of the death of Rear-Admiral William T. Sampson, United States Navy, which occurred in this city May 6, 1902; Therefore

Resolved, That a committee of five Senators be appointed by the Presiding Officer to join such committee as may be appointed by the House of Representatives to attend the funeral as a mark of respect to the memory of the deceased officer.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

The PRESIDENT pro tempore. In accordance with the resolutions just passed, the Chair appoints as the committee on the part of the Senate the Senator from California [Mr. PERKINS], the Senator from New Hampshire [Mr. GALLINGER], the Senator from Wisconsin [Mr. QUARLES], the Senator from Virginia [Mr. MARTIN], and the Senator from Florida [Mr. MALLORY].

MILITARY ORDERS IN THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary proceeded to read the resolution submitted by Mr. CULBERSON on the 6th instant.

The PRESIDENT pro tempore. The Chair suggests, in the absence of the Senator from Texas [Mr. CULBERSON], and on account

of a return made on yesterday to a similar resolution presented at an earlier day, that this resolution lie on the table for the present.

Mr. BAILEY. My colleague, the senior Senator from Texas, is in the room of the Committee on the Philippines. I have just sent a page to notify him, but I presume that the course suggested by the President of the Senate can be taken without any prejudice to the resolution.

The PRESIDENT pro tempore. The resolution will lie on the table to be taken up to-morrow morning. A reply was made on yesterday to a similar resolution.

Mr. HOAR. I understand that the resolution can be taken up to-morrow morning as of right.

The PRESIDENT pro tempore. As of right.

Mr. HOAR. As this morning.

The PRESIDENT pro tempore. As of right, by unanimous consent.

Mr. HOAR. It does not require unanimous consent. That is, if I understand the Chair, unanimous consent is now given that it may be taken up as of right to-morrow without prejudice by going over.

The PRESIDENT pro tempore. Yes; the Chair understands.

INDIAN DEPREDAATION CLAIMS.

Mr. GAMBLE. I move that the bill (S. 3544) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891, be recommitted to the Committee on Indian Depredations. The motion was agreed to.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 7th instant approved and signed the act (S. 4932) providing for the extension of the Loudon Park National Cemetery, near Baltimore, Md.

SUNDRY CIVIL APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes, and requesting a conference on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. I move that the Senate insist upon its amendments and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. ALLISON, Mr. HALE, and Mr. COCKRELL were appointed.

ARMY APPROPRIATION BILL.

Mr. PROCTOR. I wish to give notice that on Saturday, immediately after the conclusion of the routine morning business, I shall ask the Senate to proceed to the consideration of the bill making appropriations for the support of the Army.

DIAMOND SHOAL LIGHT-HOUSE, CAPE HATTERAS.

Mr. HOAR. Mr. President, yesterday there was read and discussed the bill (S. 3864) to provide for the construction of a light-house and fog signal at Diamond Shoal, on the coast of North Carolina, at Cape Hatteras.

The Senator from Iowa [Mr. ALLISON] was the only Senator who expressed any opposition of those who spoke, and the bill went over, at his request, that he might examine it. He suggests, and with my entire approbation, that the third section, containing in three lines an appropriation of \$575,000, be stricken out. If that be stricken out, I understand that he has no further objection to the bill. I ask that it may now be put on its passage, in order that it may go to the other House at once with that amendment.

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT pro tempore. The bill was read yesterday to the Senate, and all the amendments of the Committee on Commerce were agreed to. The Senator from Massachusetts offers an amendment, which will be stated.

Mr. HOAR. It is to strike out section 3.

The SECRETARY. It is proposed to strike out section 3, in the following words:

Sec. 3. That \$575,000, or so much thereof as may become due and payable under the terms of this act, are hereby appropriated.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore. The morning business is closed, and the Calendar under Rule VIII is in order.

Mr. LODGE. I move that the Senate proceed to the consideration of Senate bill 2295.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. BURTON. Mr. President, I have at some length given the military record of General Funston. We have seen the estimation in which he was held by Gomez and Garcia in Cuba, winning the confidence and friendship of those intrepid heroes. We have seen how he took a raw regiment of volunteers and in a few months made of them veterans, a regiment that under his inspiring leadership justly won more glory than any regiment in the entire Spanish-American war. We have seen the high estimation in which he was held by those gallant veterans of the civil war, Generals Otis, MacArthur, Wheaton, and the lamented Lawton, and as a fitting reward for his distinguished services at last in the capture of the insurgent chieftain, Aguinaldo, on the recommendation of his superiors, McKinley, in the month of March, 1901, made him a brigadier-general in the Regular Army. Of nearly 300,000 volunteers in the Spanish-American war, General Funston is the only one that attained that high rank who had not seen service in the civil war.

Mr. President, in this splendid age of materialism I can understand how it is that some people treat lightly the course of the young man who puts aside all offers and opportunities that present themselves to make money, to acquire property, to gain wealth, and devotes his life to something that, on reflection, we all know is worth more than gold. It will be a sad day for the country if we should lose sight of the high ideals that have ever inspired us as a people. It will be a sad day when it becomes popular for the lip to curl at the acts of our heroes. It will be a sad day when the dominating influence that controls us will be money. The heroic in our national life must be the inspiration that will keep us going onward and upward in the path of true greatness.

And now, in the face of his magnificent record, what is it that has caused the Senator from Tennessee to ridicule Funston as a hero? What has he done to excite the wrath of the Senator? It was known by the Senator, it was known by all the Senators on that side, that President McKinley had made General Funston a brigadier-general in the Regular Army. But before his commission could be made permanent under the law it was necessary that his appointment should be confirmed by the Senate. Months elapsed before the Senate convened. On the 5th day of last December President Roosevelt sent General Funston's name to the Senate. It was referred to the Military Committee of this body, and on the 18th day of that month he was unanimously confirmed.

What, then, I ask again, has caused this virulent and malevolent attack on the part of the Senator from Tennessee? I infer from his remarks that, among other things, it was because of the way in which he captured Aguinaldo. The Senator says Funston achieved his title of hero by a violation of the rules of honorable warfare, by an act for which Aguinaldo would have been hanged in ten minutes if he had attempted it on an American officer. But General MacArthur says that Funston's plan, and it was his plan, was submitted to Generals Wheaton and MacArthur and was approved by them both, and MacArthur assumes entire responsibility for directing General Funston to carry out his plan in the way he did.

But if the Senator had any criticisms to offer against the way in which Aguinaldo was captured, why did he not offer them when General Funston's name was before the Senate for confirmation? It will not do to say that he was ignorant of all the facts, because by reference to the report of General Funston, filed here last summer in the War Office, every detail of the plan in the capture of Aguinaldo was given, even to the description of the dress and uniform worn by the Macabebes that accompanied him, the detailed account of the letters that he had captured, and the forged letters that were written to deceive Aguinaldo. The press throughout the country published his report, and particularly that part of it that told of the deceptions. Every detail was published far and wide as to how General Funston captured the insurgent chieftain.

I ask again, What has Funston done that has excited the wrath of the great military chieftain from Tennessee, that he dares to put his judgment over against the judgment of the intrepid Lawton, the courageous MacArthur, and the brave Wheaton? How would the Senator have had Funston to proceed, anyway, in the capture of Aguinaldo? What, sir, would you have had him do; write a letter to Aguinaldo and tell him he was coming to get him? Be candid, won't you, please, Senator? Be as candid as the

Senator from South Carolina was when he answered the Senator from Ohio.

Was it not because he did capture Aguinaldo that you hate Funston? Was it not because he has put down insurrection in the Philippine Islands that you have your feeling against him? Was it not because he did render service to his country, great service against the insurgents, that you oppose him?

The Senator may stand for the insurgents. I prefer to stand for Funston and his comrades. Senators on that side seem to want to make this a political issue in the coming campaign. I am not commissioned to speak for the Republican party, but I will speak for myself, and I dare speak for Kansas, when I tell them that we accept their gage of battle. Go before the people of this country maligning and slandering the American soldiers if you dare. Make that the issue in the coming contest, and we will meet you on the hustings at every turn, and you will learn whether or not the American people will stand by their soldiers and what will become of the party that maligns and slanders them.

But I imagine the Senator from Tennessee would never have exhibited his feeling in this Chamber in the way he has against General Funston but for the speech that he made before the Lotus Club in New York. And now if the Senate will bear with me for a few moments I want to examine that speech and see what it was that General Funston said that has so kindled the wrath of Senators. I quote from General Funston's speech:

To talk about the Philippines and about the war over there is not in all respects agreeable, but I am glad of the opportunity to lay before such a company a few facts. It may aid some of you who have been misled by stories of various kinds to believe that the Army in the Philippines has been doing as well as it possibly could, and it may enable others of you to be prouder than ever of the patience and fortitude and humanity which have distinguished the course of the Army and Navy in the Philippines from the beginning of the war down to the present time. [Applause.]

Ah, I can see now at the very beginning of that speech what it is that has excited the opposition of the Senators. I notice that statement was received with applause. Of course I take it there were no Democrats present. I read further:

When the city of Manila was surrendered to the Navy under Admiral Dewey [cheers] and to the Army under General Merritt there were in the city some hundreds of Spanish families—men, women, and children—and a great many thousands of Spanish soldiers who were prisoners of war in the hands of our troops.

In the eyes of the world these people, absolutely unarmed and helpless, were dependent entirely upon us for protection. In addition to these there were many European residents; there were German and British merchants with their families, proprietors of banks, commercial houses, warehouses, and railroads representing millions upon millions of dollars worth of property.

To have turned these helpless Spaniards and others over to the mercy of the uncontrollable mob which constituted the army of Aguinaldo would have been a positive crime. The Bulgarian and Armenian massacres would have been repeated on a larger scale, and the whole thing would have constituted the blackest page in American history—a thing we could not have blotted out in a thousand years of repentance. [Applause.]

I am inclined to think, whether the Senator agrees with me or not, that the American people will approve that.

Next he tells us about the kind of men who constituted our army in the Philippines.

I wish to say to you something, however, about the class of officers and men who are serving in the Philippines, and about some of those magnificent men who have lost their lives there.

One would think, from reading the remarks of Senators upon the other side, that we did not have any magnificent men over there.

Of course there are all sorts of men in our Army, Regular and Volunteer, good, bad, and indifferent; but I believe it is a pretty safe guess to say that 85 per cent of the men who constitute our Army are a brave and humane lot of men, who are a credit to the service. [Long applause.]

The other 5 per cent of the men are the kind that write letters to the newspapers at home and tell big stories, and I think it can be taken for granted that the class of men—the men who spread this information that is so prevalent here in the States regarding the Philippine Islands—I say that they are the class of men who have ornamented the inside of a guardhouse more often than they have distinguished themselves in the field. [Applause.]

That is told in language that appears to be true. I submit it to the careful consideration of Senators upon the other side. I think it is a statement of this kind that has so aroused the Senator from Tennessee. It was calling specific attention to the 5 per cent of the soldiers who ornament the inside of the guardhouse and who have been used as tools by the opposition to slander and defame the entire Army that so irritated the Senator. It is not only because Funston is a fighter that they hate him, but he tells the truth, and that hurts the champions of Aguinaldo even worse. I see now why the Senator complained of the General's tongue. And now Funston tells us why the hostilities continue so long:

And now I am going to say something which I hope you gentlemen will not criticise. I am going to say it just as mildly as I can, but we who have seen our men killed, who have seen our men die of typhoid fever, die of dysentery in the hospitals, and who have buried them in the hundreds of nameless graves in the Philippine Islands, feel bitterly about this subject. All of those men who have fallen since the month of January, 1900, have died not because the Filipinos really had much heart in fighting against us, but because they were kept up by a lot of misinformed and misguided people here in the United States. [Applause and cries of "That is right!"]

It is perfectly proper for us to have all sorts of opinions about the advisability of holding the Philippine Islands—as to whether they are worth anything to us or whether they are a burden to us—we are perfectly justified in having as many opinions about them as there are islands in the Philippines. But for heaven's sake let us keep those opinions to ourselves until the sovereignty of the United States has been established over every square inch of those islands, and then let us get together and pull hair and fight the thing out among ourselves. [Cheers and prolonged applause.]

That is the kind of patriotic advice that the Senator from Tennessee would do well to take. I begin to understand now why it is that General Funston is so disliked by him. I want to quote, however, a little further:

I have been told by a number of insurgent officers of high rank, after their surrender or after their capture, that they were kept up solely after January, 1900, by the hope that the people of the United States would compel the Government to withdraw from the islands. I was told that without any hesitation whatever by even so reserved a man as Aguinaldo himself. I was told that by the notorious Alejandro, by Luna, by Pablo Tecson. None of these men made any secret of it at all.

I know the Senator from Tennessee the other day volunteered the remark that he did not believe General Funston told the truth. My answer to that is that a brave man will not tell a lie.

When General Funston says that Aguinaldo and the other insurgent chieftains told him that they kept up the fight after January in 1900 because of the hope that the people of the United States would compel the withdrawal of the troops from the islands, I believe that he told the truth. But I quote further:

I hope I may be allowed to combat another impression that is altogether too prevalent in the United States; that is, that the insurgent leaders in the Philippines are of a very high type of men, patriots fighting for the good of their country, and all that sort of thing, and that they are to be compared with the men who won the independence of the United States more than a hundred years ago.

You will remember to have heard in the last campaign much talk about Aguinaldo being the George Washington of the Philippine Islands.

I shall in a few moments—

Says General Funston—

give you a few samples of some of these patriots over there, and allow you to make your own comparisons.

About the ablest military leader of the insurgents was Antonio Luna, who was a brave man, a good officer, accomplished; and as to the capability to handle troops in the field he probably would come up almost to the officers of our own Army. This man on account of his personal courage was gaining such prestige with the insurgents that Aguinaldo ordered him to be assassinated, which was done at the town of Planan, the man being shot down in cold blood by the sentries on guard at Aguinaldo's door when he stated to the sentry on duty that he wanted to see Aguinaldo. I talked with the late lamented dictator himself on that subject and asked him about it. He said: "Why, yes; I had him killed simply because if I had not he would have been dictator in my place."

Can you imagine George Washington doing such a thing as that? [Cheers.]

The Senator from Tennessee is a master of satire, but I do not think in any of his diatribe against General Funston he said a more cutting thing than the General said right there, and the great merit of the statement over and above the Senator's is it is true, and the American people will believe it. I read further, and since we have had so much about the brutalities of our soldiers, perhaps it is well for us to see what Funston says about the brutalities of the insurgents:

In the town of San Isidro, where I commanded for a year and a half, was a family of the name of Baya, a Filipino family. The father had been an opponent always of rebellion. He was a large landowner and had a considerable family. He had five or six sons, among them the youngest boy, a chap of about 10 years. This boy had gone to school for a couple of years in Manila, but during the war had returned to his home. He came over quite often to visit me and talk with me. He spoke Spanish and was thinking of studying English. Consequently he got hold of a grammar and was working away at the English language, and he came to me half a dozen times to get some aid when he would get all tangled up on some of our beautiful words.

This boy was suspected finally of being a spy because he came over to my headquarters a few times. One day a little over a year ago his father sent him just outside the town to see if the crops on his land were ready to cut. It was considered perfectly safe to allow the boy to go out there; but the insurgent chief Tagunta had ordered this boy captured at all hazards, not only because he was suspected of being a spy, but also because his father had refused to pay taxes to the insurgent government and would recognize no government but that of the United States.

This poor helpless boy, who was innocent of being a spy as anyone possibly could be, and who, in fact, had never discussed any phase of the war with me at all, was taken by these murderers, tied to a stake, and flogged to death. They flogged him for three hours, until he fell dead.

Can you imagine Israel Putnam doing a thing of that kind? [Cheers.]

A few days later the same chief who had the boy flogged and who had been unable to collect any taxes in the town made a raid in the town with a number of guerrillas. He made the raid and burned about 300 houses and killed more than 15 people without any just cause or provocation whatever, in order to compel them to pay taxes to the alleged insurgent government. We had been hunting him fully a year, and lay for him for many a week, and I am glad to say that the next time I had command of a detachment that got him, and now he is with the angels. [Laughter and applause.]

It would be impossible to exaggerate the number of crimes that have been committed by the insurgent leaders—crimes against their own people—the assassination of Filipinos, not only those who were suspected of being in sympathy with the Americans, but people who had refused to pay insurgent taxes, men against whom there was no suspicion whatever. The number would run not only up into the hundreds, but even up into the thousands.

There is not a town in the Philippine Islands in which men have not been assassinated by the orders of these men, and there is not a single chief, from Aguinaldo down to the lowest leader of a band of guerrillas, who could not be put on trial and convicted of murder before any jury in the United States—downright, deliberate, cold-blooded murder.

Aguinaldo himself, tried in any court in the world, could be convicted of

the murder of Luna, and there is not one who could not be convicted of the assassination of men, women, and children.

I believe it is safe to say that there has never been a war in this world where the people have shown such patience and such humanity as have the United States troops in the Philippine Islands. [Cheers.] With very rare exceptions all the men executed have been executed after fair trial before a military commission. They had counsel to defend them where the case has gone before the commanding general for review. Of course, there have been exceptions, but probably not more than a dozen altogether, where men caught red-handed in the commission of a crime have been summarily executed. But that is done in every war; it was done in our own civil war; it has been done in every war that the world ever saw. But these cases have been very rare.

I do not want to say anything brutal, but, as I say, the Army feels bitterly about this business. I have no quarrel with the man who thinks that we should not at first have taken the Philippine Islands. I have no quarrel with the man who thinks a whole lot of things, but who does not say too much about it now, but all those men who have been writing and talking about this thing and keeping this warfare alive, and in the field to-day—I say that I would rather see any one of these men hanged—hanged for treason, hanged for giving aid and comfort to the enemy—than see the humblest soldier in the United States Army lying dead on the field of battle. [Applause and cheers.]

Now, that is severe language; perhaps it was an indiscreet statement to make; but who does not recognize the feeling of the soldier when he recounts the hardships of himself and his comrades and the malignant way in which he has been treated?

Now, Mr. President, I do not want Senators to get the impression that I think Funston is the only hero of the Spanish-American war. I have put his record before the American people in detail for the reason that he has been especially assailed. I remember that Otis, and MacArthur, and Lawton, and Wheaton were all heroes before General Funston was born, and I remember also that the commanding general now in the Philippine Islands was a hero more than forty years ago.

By the way, if you will allow me, General Chaffee is well-nigh a Kansan also. He married a Kansan woman, and the better part of most good men has been brought out by the devotion and the love of some good woman. The trip by General Chaffee from Washington City to where the allied armies were congregated in China, the bold announcement he made to the generals of the armies of other countries that he proposed to move the next morning to Peking, and his successful march to the relief of our minister and others who were confined in the Chinese capital is one of the brightest pages in the history of modern warfare.

I may be permitted also to point to the fact that the first soldier who scaled the walls of Peking, under Chaffee, was a Kansas boy—young Titus—who is now at West Point, being the better prepared to make of himself an American soldier.

It is not my purpose to discuss at length the charges made against isolated acts of brutality by the American soldier in the Philippines, nor do I intend to weary the Senate with reciting at length the many cases of barbarous cruelty perpetrated by the insurgents. There are other Senators upon this floor, members of the committee, who are more familiar with the facts than myself; but I must be permitted to say that the record of the men who have been in command, as well as the record of General Chaffee, who is now in command in the Philippine Islands—their whole life given in patriotic service to the country—is a sufficient guaranty that the warfare that we have been carrying on in suppressing this insurrection has not been attended with any more cruelty than was absolutely necessary, unless it be in isolated cases.

It is inconceivable, at least to me, that men of the experience, courage, patriotism, and honor of these generals would sanction a violation of the rules of honorable warfare. There is one thing to be remembered: You can not fight a barbarous foe in the same way that you can a civilized enemy. Andrew Jackson, when he fought the Seminoles in Florida, conducted an entirely different campaign from what he did in the war of 1812.

The Senator from Nevada [Mr. STEWART] called my attention just awhile ago to the fact that we have violated the rules of civilized warfare in our combats with the Indians from ocean to ocean.

Colonel Chivington, in his fight with the Indians at Sand Creek, conducted a different warfare from what he would had he been fighting a civilized foe. The Senator from Colorado [Mr. PATTERSON] will remember that battle. I believe it created an issue in Colorado politics back, I think, in 1864, and, if I am reliably informed, the senior Senator from Colorado [Mr. TELLER] took the side of Colonel Chivington. A man who was in direct command and who really fought the battle was afterwards, for a great many years, an honored member of this body.

General Forsythe, who fought the last Indian battle in this country, at Wounded Knee, killed every single Indian, and was justified, in my judgment, in doing so.

The Senator from Tennessee seems to forget that isolated cases of barbarity are incident to all wars, even among civilized people. Allowances must be made for the passions of men, and especially for the acts of bad men that are connected with all armies.

I was surprised the other day when the Senator arose in his place and said there was no massacre at Fort Pillow. The Sena-

tor is not able to efface the history of that transaction by a mere statement that there was no massacre. I do not pretend that the authorities of the Southern Confederacy were responsible in any way for it. It was the act of a few infuriated men under General Forrest; but if everything that has been charged by Senators on the other side were admitted, if every instance of isolated brutality should be as real as has been painted by their ready words and brilliant imaginations, it fails in comparison with the atrocities at Fort Pillow. The Senator will see that the blood of Tennesseans was shed in that awful slaughter. I mean, of course, Union soldiers, not Confederates.

Here I desire to put in the RECORD, and will not stop to read it unless it is insisted upon, the account of that massacre as reported by Benjamin F. Wade and D. W. Gooch in report of committee No. 65, first session Thirty-eighth Congress, pages 1, 2, 3, 4, 5, and 6.

Mr. CARMACK. Mr. President—

The PRESIDING OFFICER (Mr. WELLINGTON in the chair). Does the Senator from Kansas yield to the Senator from Tennessee?

Mr. BURTON. Certainly.

Mr. CARMACK. How many pages does the Senator say?

Mr. BURTON. It takes six pages, the portions of which I have marked I desire to put in the RECORD. I will send the report to the Secretary's desk now and have it read if the Senator so desires.

Mr. CARMACK. If it is not too much, I should like to have it read. However, I will not interfere with the Senator. Let it go.

Mr. BURTON. I have no objection to having it read.

The PRESIDING OFFICER. If there be no objection, the matter referred to by the Senator from Kansas will be inserted without reading.

The matter referred to is as follows:

FORT PILLOW MASSACRE.

Although your committee were instructed to inquire only in reference to the attack, capture, and massacre of Fort Pillow, they have deemed it proper to take some testimony in reference to the operations of Forrest and his command immediately preceding and subsequent to that horrible transaction. It will appear from the testimony thus taken that the atrocities committed at Fort Pillow were not the result of passions excited by the heat of conflict, but were the results of policy deliberately decided upon and unhesitatingly announced. Even if the uncertainty of the fate of those officers and men belonging to colored regiments who have heretofore been taken prisoners by the rebels has failed to convince the authorities of our Government of this fact, the testimony herewith submitted must convince even the most skeptical that it is the intention of the rebel authorities not to recognize the officers and men of our colored regiments as entitled to the treatment accorded by all civilized nations to prisoners of war. The declarations of Forrest and his officers, both before and after the capture of Fort Pillow, as testified to by such of our men as have escaped after being taken by him; the threats contained in the various demands for surrender made at Paducah, Columbus, and other places; the renewal of the massacre the morning after the capture of Fort Pillow; the statements made by the rebel officers to the officers of our gunboats who received a few survivors at Fort Pillow—all this proves most conclusively the policy they have determined to adopt.

It was at Fort Pillow, however, that the brutality and cruelty of the rebels were most fearfully exhibited. The garrison there, according to the last returns received at headquarters, amounted to 19 officers and 538 enlisted men, of whom 202 were colored troops, comprising one battalion of the Sixth United States Heavy Artillery (formerly called the First Alabama Artillery), of colored troops, under command of Maj. L. F. Booth; one section of the Second United States Light Artillery, colored, and one battalion of the Tennessee Cavalry, white, commanded by Maj. W. F. Bradford. Major Booth was the ranking officer, and was in command of the post.

On Tuesday, the 12th of April (the anniversary of the attack on Fort Sumter, in April, 1861), the pickets of the garrison were driven in just before sunrise, that being the first intimation our forces there had of any intention on the part of the enemy to attack that place. Fighting soon became general, and about 9 o'clock Major Booth was killed. Major Bradford succeeded to the command, and withdrew all the forces within the fort. They had previously occupied some intrenchments at some distance from the fort and farther from the river.

This fort was situated on a high bluff, which descended precipitately to the river's edge, the side of the bluff on the river side being covered with trees, bushes, and fallen timber. Extending back from the river on either side of the fort was a ravine or hollow, the one below the fort containing several private stores and some dwellings, constituting what was called the town. At the mouth of that ravine, and on the river bank, were some Government buildings containing commissary and quartermaster stores. The ravine above the fort was known as Cold Creek Ravine, the sides being covered with trees and bushes. To the right, or below and a little to the front of the fort, was a level piece of ground, not quite so elevated as the fort itself, on which had been erected some log huts or shanties, which were occupied by the white troops, and also used for hospital and other purposes. Within the fort tents had been erected, with board floors, for the use of the colored troops. There were six pieces of artillery in the fort, consisting of two 6-pounders, two 12-pounder howitzers, and two 10-pounder Parrots.

The rebels continued their attack, but up to 2 or 3 o'clock in the afternoon they had not gained any decisive success. Our troops, both white and black, fought most bravely, and were in good spirits. The gallant No. 7 (*New Era*), Captain Marshall, took part in the conflict, shelling the enemy as opportunity offered. Signals had been agreed upon by which the officers in the fort could indicate where the guns of the boat could be most effective. There being but one gunboat present, no permanent impression appears to have been produced upon the enemy; for as they were shelled out of one ravine they would make their appearance in the other. They would thus appear and retire as the gunboat moved from one point to the other. About 1 o'clock the fire on both sides slackened somewhat, and the gunboat moved out in the river to cool and clean its guns, having fired 282 rounds of shells, shrapnel, and canister, which nearly exhausted its supply of ammunition.

The rebels, having thus far failed in their attack, now resorted to their customary use of flags of truce. The first flag of truce conveyed a demand from Forrest for the unconditional surrender of the fort. To this Major Bradford replied, asking to be allowed one hour to consult with his officers

and the officers of the gunboat. In a short time a second flag of truce appeared with a communication from Forrest that he would allow Major Bradford twenty minutes in which to move his troops out of the fort, and if it was not done within that time an assault would be ordered. To this Major Bradford returned the reply that he would not surrender.

During the time these flags of truce were flying the rebels were moving down the ravine and taking positions from which the more readily to charge upon the fort. Parties of them were also engaged in plundering the Government buildings of commissary and quartermaster stores in full view of the gunboat. Captain Marshall states that he refrained from firing upon the rebels, although they were thus violating the flag of truce, for fear that, should they finally succeed in capturing the fort, they would justify any atrocities they might commit by saying that they were in retaliation for his firing while the flag of truce was flying. He says, however, that when he saw the rebels coming down the ravine above the fort and taking positions there he got under way and stood for the fort, determined to use what little ammunition he had left in shelling them out of the ravine; but he did not get up within effective range before the final assault was made.

Immediately after the second flag of truce retired the rebels made a rush from the positions they had so treacherously gained and obtained possession of the fort, raising the cry of "No quarter!" But little opportunity was allowed for resistance. Our troops, black and white, threw down their arms and sought to escape by running down the steep bluff near the fort and secreting themselves behind trees and logs, in the bushes, and under the brush, some even jumping into the river, leaving only their heads above the water as they crouched down under the bank.

Then followed a scene of cruelty and murder without a parallel in civilized warfare, which needed but the tomahawk and scalping knife to exceed the worst atrocities ever committed by savages. The rebels commenced an indiscriminate slaughter, sparing neither age nor sex, white or black, soldier or civilian. The officers and men seemed to vie with each other in the devilish work. Men, women, and even children, wherever found, were deliberately shot down, beaten, and hacked with sabers. Some of the children, not more than 10 years old, were forced to stand up and face their murderers while being shot. The sick and the wounded were butchered without mercy, the rebels even entering the hospital building and dragging them out to be shot, or killing them as they lay there unable to offer the least resistance.

All over the hillside the work of murder was going on. Numbers of our men were collected together in lines or groups and deliberately shot; some were shot while in the river, while others on the bank were shot and their bodies kicked into the water, many of them still living but unable to make any exertion to save themselves from drowning. Some of the rebels stood on the top of the hill or a short distance down its side, and called to our soldiers to come up to them, and, as they approached, shot them down in cold blood; if their guns or pistols missed fire, forcing them to stand there until they were again prepared to fire. All around were heard cries of "No quarter!" "No quarter!" "Kill the damned niggers; shoot them down!" All who asked for mercy were answered by the most cruel taunts and sneers. Some were spared for a time, only to be murdered under circumstances of greater cruelty. No cruelty, which the most fiendish malignity could devise, was omitted by these murderers.

One white soldier who was wounded in one leg so as to be unable to walk, was made to stand up while his tormentors shot him; others who were wounded and unable to stand were held up and again shot. One negro who had been ordered by a rebel officer to hold his horse was killed by him when he remounted; another, a mere child, whom an officer had taken up behind him on his horse, was seen by Chalmers, who at once ordered the officer to put him down and shoot him, which was done. The huts and tents in which many of the wounded had sought shelter were set on fire, both that night and the next morning, while the wounded were still in them—those only escaping who were able to get themselves out or who could prevail on others less injured than themselves to help them out, and even some of those thus seeking to escape the flames were met by those ruffians and brutally shot down or had their brains beaten out.

One man was deliberately fastened down to the floor of a tent, face upward, by means of nails driven through his clothing and into the boards under him, so that he could not possibly escape, and then the tent was set on fire; another was nailed to the side of a building outside of the fort and then the building set on fire and burned. The charred remains of five or six bodies were afterwards found, all but one so much disfigured and consumed by the flames that they could not be identified, and the identification of that one is not absolutely certain, although there can hardly be a doubt that it was the body of Lieutenant Akerstrom, quartermaster of the Thirteenth Tennessee Cavalry and a native Tennessean. Several witnesses who saw the remains and who were personally acquainted with him while living have testified that it is their firm belief that it was his body that was thus treated.

These deeds of murder and cruelty ceased when night came on, only to be renewed the next morning, when the demons carefully sought among the dead, lying about in all directions, for any of the wounded yet alive, and those they found were deliberately shot. Scores of the dead and wounded were found there the day after the massacre by the men from some of our gunboats, who were permitted to go on shore and collect the wounded and bury the dead. The rebels themselves had made a pretense of burying a great many of their victims, but they had merely thrown them, without the least regard to care or decency, into the trenches and ditches about the fort, or the little hollows and ravines on the hillside, covering them but partially with earth. Portions of heads and faces, hands and feet were found protruding through the earth in every direction. The testimony also establishes the fact that the rebels buried some of the living with the dead, a few of whom succeeded afterwards in digging themselves out, or were dug out by others, one of whom your committee found in Mound City hospital, and there examined.

Of the men, from 300 to 400 are known to have been killed at Fort Pillow, of whom at least 300 were murdered in cold blood after the post was in possession of the rebels and our men had thrown down their arms and ceased to offer resistance. Of the survivors, except the wounded in the hospital at Mound City and the few who succeeded in making their escape unhurt, nothing definite is known, and it is to be feared that many have been murdered after being taken away from the fort.

In reference to the fate of Major Bradford, who was in command of the fort when it was captured, and who had up to that time received no injury, there seems to be no doubt. The general understanding everywhere seemed to be that he had been brutally murdered the day after he was taken prisoner.

There is some discrepancy in the testimony, but your committee do not see how the one who professed to have been an eyewitness of his death could have been mistaken. There may be some uncertainty in regard to his fate.

When your committee arrived at Memphis, Tenn., they found and examined a man (Mr. McLagan) who had been conscripted by some of Forrest's forces, but who, with other conscripts, had succeeded in making his escape. He testifies that while two companies of rebel troops, with Major Bradford and many other prisoners, were on their march from Brownsville to Jackson, Tenn., Major Bradford was taken by five rebels—one an officer—led about 50 yards from the line of march and deliberately murdered in view of all there assembled. He fell, killed instantly by three musket balls, even while

asking that his life might be spared, as he had fought them manfully and was deserving of a better fate. The motive for the murder of Major Bradford seems to have been the simple fact that, although a native of the South, he remained loyal to his Government. The testimony herewith submitted contains many statements made by the rebels that they did not intend to treat "home-made Yankees," as they termed loyal Southerners, any better than negro troops.

Mr. BURTON. Mr. President, now, since the Senator from Utah has spent so much time in describing the cruelties of some of our soldiers in the Philippines, careful all the while to leave out anything about the cruelties of the Filipinos against our soldiers, one would imagine after reading his pages of criticism and condemnation, and hearing him fairly scream in agony of soul as he recounted them, that he had never heard of any massacre nearer home. I will tell him that when he was a little child, near where he was born, and traced to the leaders, or at least to some of the leaders, of the church of which the honorable Senator is familiar, there was a massacre which for hideous atrocity and devilish slaughter—slaughter of men, women, and children—has never been paralleled, at least on this continent. I refer, as everybody knows, to the Mountain Meadows massacre.

I desire to present parts of three affidavits, which I have marked, published in Senate Executive Document No. 42, Thirty-sixth Congress, first session, pages 80, 81, 82, 83, and 84. I will not stop to read the affidavits now, but I desire to have them incorporated with my remarks.

The PRESIDING OFFICER. If there be no objection, it will be so ordered. The Chair hears no objection, and it is so ordered.

The affidavits referred to are as follows:

MOUNTAIN MEADOWS.

CAMP FLOYD, UTAH TERRITORY, August 18, 1870.

SIR: Inclosed herewith you will find an affidavit of Captain Lynch and others in relation to the massacre at the Mountain Meadows. This affidavit I have been permitted to forward to you for your information in relation to the sad affair of which it treats. One thing I think you may regard as certain; that is, that these children never were in the hands of the Indians; were never purchased of anyone, but were parceled out among the murderers, and that Dr. Forney and Hamlin knew it.

This affidavit may also be useful to the Administration in explaining the differences existing among Federal appointees in Utah.

I assure you, sir, that it affords me no pleasure to give you this information. I do so only under a strong sense of duty.

I am, sir, your obedient servant,

D. R. ECKELS.

HON. SECRETARY OF INTERIOR.

NOTE.—I am informed that Captain Lynch has chosen to make a copy of these affidavits public.

D. R. ECKELS.

UTAH TERRITORY, Cedar County, ss:

James Lynch, of lawful age, being first duly sworn, states on oath that he was one of the party who accompanied Dr. Jacob Forney, superintendent of Indian affairs, in an expedition to the Mountain Meadows, Santa Clara, etc., in the months of March and April last, when we received 16 children, sole survivors of the wholesale massacre perpetrated at the former place in the month of September, 1857. The children, when we first saw them, were in a most wretched and deplorable condition. With little or no clothing, covered with filth and dirt, they presented a sight heartrending and miserable in the extreme. The scene of the fearful murder still bears evidence of the atrocious crime, charged by the Mormons and their friends to have been perpetrated by Indians, but really by Mormons disguised as Indians, who, in their headlong zeal, bigotry, and fanaticism, deemed this a favorable opportunity of at once wreaking their vengeance on the hated people of Arkansas, and of making another of those iniquitous "blood offerings" to God, so often recommended by Brigham Young and their other leaders.

For more than 2 square miles the ground is strewn with the skull bones and other remains of the victims. In places the water has washed many of these remains together, forming little mounds, raising monuments, as it were, to the cruelty of man to his fellow-man. Here and there may be found the remains of an innocent infant beside those of some fond, devoted mother, ruthlessly slain by men worse than demons. Their bones lie bleaching in the noonday sun, a mute but an eloquent appeal to a just but offended God for vengeance. I have witnessed many harrowing sights on the fields of battle, but never did my heart thrill with such horrible emotions as when standing on that silent plain contemplating the remains of the innocent victims of Mormon avarice, fanaticism, and cruelty.

Many of these remains are now in possession of a Mr. Rodgers, a gentleman who accompanied us upon the expedition. Why were not these remains interred, if not in a Christian-like and proper manner, at least covered from the sight? But no, the hatred of their murderers extended to them after their death. There they lay, a prey to the famished wolves that run howling over the desolate plains to the unlooked-for feasts, food for the croaking raven that through the tainted air with swift wing wended their way to revel in their banquet of blood.

I inquired of Jacob Hamlin, who is a high church dignitary, why these remains were not buried at some time subsequent to the murder. He said the bodies were so much decomposed that it was impossible to inter them. No longer let us boast of our citizenship, freedom, or civilization. Here was 140 poor, harmless emigrants to California butchered in cold blood, by white men, too, with attending circumstances far exceeding anything in cruelty that we have ever heard of or read of being perpetrated even by savages. It is now high time that the actors and instigators of this dreadful crime should be brought to condign punishment. For years these Mormons have possessed an immunity from punishment, or a sort of privilege for committing crimes of this nature, but soon, it is to be hoped, a new state of things must dawn—retribution must come, vengeance must be had. Civilization, humanity, and Christianity call for it, and the American people must have it. Blood may be shed, difficulties may be encountered, but just as sure as there is a sun at noonday retribution will yet overtake the guilty wretches, their aiders and abettors, whether open or hidden under disguise of Government employment.

John D. Lee, a Mormon president, has knowledge of the whereabouts of much of the property taken from these ill-fated emigrants, and, if I am not misinformed, in possession of a large quantity of it. Why not make him disgorge this ill-gotten plunder, and disclose the amount escheated to and sold out by the Mormon Church as its share of the blood of helpless victims?

When he enters into a league with hell and a covenant with death, he should not be allowed to make feasts and entertain Government officials at his table, as he did Dr. Jacob Forney, superintendent of Indian affairs, while the rest of his party refused, in his hearing and that of Lee, to share the hospitality of this notorious murderer—this scourge of the desert. This man Lee does not deny, but admits, that he was present at the massacre, but pretends that he was there to prevent bloodshed; but positive evidence implicates him as the leader of the murderers too deeply for denial. The children point him out as one of them that did the bloody work. He and other white men had these children, and they were not in the hands of the Indians, but in the hands of those who murdered them, and Jacob Hamlin and Jacob Forney know it. The children pointed out to us the dresses and the jewelry of their mothers and sisters that now grace the angelic forms of these murderers' women and children. Verily it would seem that men and women alike combine in this wholesale slaughter.

This ill-fated train consisted of 18 wagons, 1,820 head of cattle, household goods to a large amount, besides money, estimated at \$80,000 or \$90,000, the greater part of which, it is believed, now makes rich the harems of this John D. Lee. Of this train a man, whose name is unknown, fortunately escaped at the time of the massacre to Vegas, 100 miles distant from the scene of blood, on the California road. He was followed by five Mormons who, through promises of safety, etc., prevailed upon him to begin his return to Mountain Meadows, and, contrary to their promises and his just expectation, they inhumanly butchered him, laughing at and disregarding his loud and repeated cries for mercy, as witnessed and told by Ira Hatch, one of the five. The object in killing this man was to leave no witness competent to give testimony in a court of justice; but God, whose ways are inscrutable, has thought proper, through the instrumentality of the "babes and sucklings" recovered by us, to bring to life this most horrible tragedy and make known its barbarous and inhuman perpetrators.

James Lynch, being duly sworn, states on oath that all the material facts stated by him in the foregoing affidavit, so far as he states the same as of his own knowledge, are true, and so far as he states the same as from information derived from others, as also the conclusions drawn from the same, he believes to be true, and further saith not.

Sworn to and subscribed July 27, 1859.

JAMES LYNCH.

D. R. ECKELS,
Chief Justice of Supreme Court.

The undersigned state on oath that the foregoing affidavit has been carefully read to them; that they are the identical persons named in it as having been employed by Dr. Jacob Forney to return with him to Salt Lake City; that they went from Beaver City with said Forney south, and back again, and that we fully concur in the statements made by James Lynch, esq., in the foregoing affidavit, as to what we saw and heard on the trip, and the conduct of Dr. Forney, superintendent of Indian affairs, and further say not.

THOMAS DUNK.
JOHN LOFINK.

Subscribed and sworn to before me July 27, 1859.

D. R. ECKELS,
Chief Justice of Supreme Court.

Mr. BURTON. Mr. President, I have reluctantly called attention to these two terrible massacres. I do not charge anyone living with the responsibility for either. I do not charge the Confederate authorities for the responsibility at Fort Pillow. I do not believe that the Mormon Church as an organization ought to be charged with the Mountain Meadow massacre, but that there were some of the high dignitaries that helped plan and execute that bloody slaughter there can be no question. Nor do I refer to these acts of cruelty and barbarism to be plead in mitigation of any wrongful act that has been committed by any soldier in the Philippines. That there have been barbarous cruelties practiced I have no doubt. They are incidents of war. Bad men will get with the Army. Vengeance will be meted out to those who practice cruelties against our soldiers, and we can not expect but what there will be some cases—and there may be many cases—of seeming or actual cruelty, but, as I said before, we must not forget we are fighting a savage foe, and in doing that the same kind of warfare can not be had that is expected between civilized nations.

I know, Mr. President, it has been said repeatedly upon this floor that the Filipino people are a highly civilized and educated people; that nine-tenths of them can read and write. That may be true as to many of the citizens of the villages and towns, but the great number of the millions who live there are evidently savages, and the testimony is overwhelming to that effect. I do not mean, sir, but what there are different grades, from the savage bushmen up to men like Aguinaldo and Luna, but their practices of torture, their practices of warfare, and those incidents that General Funston and other generals have given go to show that they are not a civilized people.

I am led to inquire now, What is this all about? Why do Senators stand here as the advocates of the insurgents? Why are we called upon to stand here and defend our soldiers? The reason is apparent: In quelling the insurrection in the Philippine Islands, Senators on that side of the Chamber believe we are doing wrong. We believe we are doing right.

They say, Tell the Filipino that he shall have his independence. We answer, He shall submit to the authority of this Government, a part of which now is the Philippine Islands, and when he does that, and when we have established civil government, just in as large measure as he is capable of receiving it we will take up the other question, as to whether we will withdraw from the islands or permanently retain and civilize them.

You may ask me how soon that problem will be solved. That I can not tell. It may be a year; it may be five years; it may be twenty-five years. But whatever the time will be, howsoever

long it may take in order to establish civil government in those islands, while they are part of the United States we will keep on in our efforts in that direction.

I know the Senator from Tennessee the other day in a satirical way referred to our President in speaking about the time it would take to civilize the Filipinos. The President needs no defense at my hands. As a soldier, as a statesman, in literature, and in politics—using that word in the highest, purest, and best sense of the term—Theodore Roosevelt is easily the first citizen of the Republic. But the Senator thinks him a little strenuous and that he travels too fast. I will say to the Senator that at the close of the campaign in 1904, when the besotted, bedraggled, and defeated Democracy attempts to gather itself together, he will be more impressed with that idea then than he is now. I also venture to suggest that the Senator will not compare the President at that time to a race horse. That may do now; but then visions of a steam engine will flit through the bewildered brain of the Senator when he thinks of President Roosevelt.

But, Mr. President, in speaking of the time it takes to civilize savages—if I may use the term—or men of a lower order of civilization, it is well to see something of our work in this country. I know, sir, we have mistreated the Indians a great many times; we have mistreated them not only in warfare, but we have mistreated them in treaties we have made with them and in other ways; but I know also that we have been the means of civilizing these people. It has taken a long time to do it. To-day there are in the Five Civilized Tribes men who are capable to sit in either branch of Congress. The governor of the Chickasaw Nation and the chiefs and governors of other of those tribes are men of commanding ability—men who were born there. These Indians now have their churches, their schools, their homes. They have at last entered into agreements that will soon make them citizens of the United States in the full sense of the term. Within two or three years more, at most, the territory of these tribes will become a State or a Territory of this Union. It has taken a century to bring those people up to this high plane of capable citizenship; but who doubts that our work has not been on the whole best for them and best for us.

I desire in this connection, Mr. President, to call attention to something that was said yesterday by the senior Senator from South Carolina [Mr. TILLMAN]. His position is that the Anglo-Saxon hates the black man; that he is not willing to do anything to help civilize him; and the Senator then went on to speak of the way they did in South Carolina. I want to read something the Senator said:

We have in the United States a problem which will give you scope for all the philanthropy and all the humanity and all the Christianity and all the elevating, humanizing, Christianizing forces of which you are capable, and yet you turn your backs on that and march to the East and seize ruthlessly and by torture and by infamies, villainies, and cruelties the habitations of the poor Filipinos. And you murder, you butcher, you shoot them in blood, you torture them, you do everything. You have eclipsed the South in your story of infamy under the United States flag in the Philippines.

The foregoing is a monstrous slander on our soldiers and is not borne out by the facts.

I am surprised, after I heard what the Senator had said before that, namely, that "when they put a negro's head in the sand that they put his whole body in the sand," he should be willing to admit that the tortures and barbarities of our soldiers in the Philippines were as bad as what he says the people of the South have been inflicting on the negro. Conscious of their infamies, miseries, and wrongs, it seems that the Senator wants company. He says we of the North also lynch the negro. He made reference to my State:

Why, even bleeding Kansas has her story of rape and a negro burned for it.

Mr. President, that is true. I do not suppose that Senators, when I tried to say something good yesterday about Kansas, imagined that we have no crime at all in our State. I am sorry to say that now and then a criminal develops there; now and then we have a murder; and I am especially sorry to say that on one occasion we had a lynching. Every Kansan is ashamed of it; every man in my State who cares anything at all about good government is ashamed of it. If the Senator from South Carolina is proud of his people doing anything of that kind, I want to assure him that we are not proud of it. In Kansas the negro has the same right and is protected in the same way as the white man. The white man of Kansas does not hate the negro.

No Senator from Kansas has ever boasted that our people have lynched a negro; that distinction, I believe, is enjoyed alone by the Senator from South Carolina. We do not believe in brutalities against the black man, either in this country or in the Philippine Islands. We would help, we would educate, we would civilize him. The North as well as the South paid in treasure, tears, and blood for every wrong against the black man in the past, and the same just God who required that awful sacrifice will hold us to a strict account for every wrong we commit in the future.

Mr. President, I know that the people of the South will not think that I have any feeling against them, born, as I was, just across Mason and Dixon's line. My people for one hundred and fifty years were from the South. Many of my kith and kin live there now. I know them to be a brave and chivalrous people. I know also that there is presented to them a very important and overwhelming problem—What shall become of the negro? But I say to the Senator from South Carolina that his State, and no other State, can maintain government in the way that he described yesterday.

It may be, sir, that we gave the negro the ballot too soon. I shall not stop to discuss that. It may be that a mistake was made there. It may be that it is necessary for certain States to violate the Constitution, or if not directly, then indirectly, in order to suppress a portion of the negro vote. I do not know. But I do know this: That if you inflict the kind of wrongs the Senator from South Carolina admitted upon this floor that you are committing against the negro; if you make it necessary for him to have property in order to vote, or if in other ways you take the right of suffrage away from him, I want to tell you that the law of compensation will assert itself and the negro will get the property. Already that great prodigy of common sense, Booker T. Washington, has begun to advise his people along the right lines. If I understand him aright, he says to his people: "Let politics alone, get a home, develop yourselves in the useful arts." He is having imitators in my State. Rev. William T. Vernon, one of the ablest orators I ever heard, a man of commanding ability, is building an institution there for the purpose of educating the negro, educating him in the useful arts, and that great philosopher, orator, and philanthropist is telling his people to get homes and get property. He has not a drop of Anglo-Saxon blood in his body. His skin is black, but his heart is white. He is doing a very great work. He has the sympathy and he is getting help from the white man.

Mr. President, I have faith to believe that the negro in this country will continue in the future, as he has continued in the past, to advance in civilization, and I believe that the white man will help him. I believe, sir, that, as the last wound of the great civil strife has healed over, there will come a time when the last vestige of prejudice against the man in this country who has a black skin will be obliterated. It may take a long time in certain sections of the country; but even now down South, I am told, that it is difficult to tell the exact color of the skin of a man who is rich. As I said before, shut the negro out of politics, tell him he must have property before he can advance socially or politically, then while you are telling of his inferiority and boasting of your superiority the negro will be acquiring the property.

There is nothing in this world that is real but the good. Every wrong is an illusion, and there are no exceptions to the laws of God Almighty. I know, sir, we have this serious problem before us; but what is the mission of the Anglo-Saxon race? Is it to go on and conquer and oppress? No; it is to go on and conquer and civilize.

We have carried the principles of the Declaration of Independence into every country that we have acquired. We carried the principles of the Declaration of Independence to Florida, to Louisiana, to New Mexico, and to California, and we are now carrying them to far-away Alaska, to Hawaii, and to Porto Rico, and this bill, Mr. President, is a step in the direction of taking self-government into the Philippine Archipelago. We do not belong to that part of the Anglo-Saxon race which believes in oppression, and I do not belong to the party which believes in oppression. Ours is the party of liberty, of civilization. It has done more for the amelioration of mankind than any political organization in the history of the human race.

What, sir, has the Democratic party done for the benefit of anybody, especially in the last forty years? What have you done, except to grumble? You grumbled at Lincoln and you grumbled at Grant. You grumbled because it was necessary to make a great debt in order to save this Government, and then you grumbled because we proposed to pay it in good money. You grumbled at us because we returned to specie resumption, which did so much to give us a splendid prosperity.

You grumbled because we passed laws for the protection of American industries and American labor. You have been grumbling at us while we have been passing laws under which our manufactures have scaled the Allegheny Mountains, penetrated the Mississippi Valley, crossed the prairies of the West, crossed the Rocky Mountains, and reached down to the Golden Gate. You have been grumbling at us while we have been passing laws which have enabled our network of railroads to ramify this entire country. You have been grumbling at us for the past forty years, notwithstanding the fact that in those forty years in every field of human industry that you can now name we have made greater strides of progress than did our fathers from the landing of the Pilgrims down to 1861. We have opened up in the last

forty years and planted more acres of ground to the staple crops than did our forefathers from the time Columbus discovered America down to the close of the civil war. We have built more manufactures. We have grown and produced more. Yet during all that time instead of helping us you have been grumbling at us.

You grumbled, complained, and promised, until at last, in 1892, the American people were led to trust you. And what was the result? Inside of six months there was a greater monetary loss, a greater depreciation of property than the total aggregate national debt at the close of the war. You are assuming now the same rôle that you have been playing for the past forty years. You are grumbling. I ask you to quit it. I ask you to come forward now and debate this bill upon its merits. I ask you to quit talking against our soldiers in the Philippines. I ask you to stop questioning our motives. I ask you to stop talking against imaginary policies, policies that exist only in your suspicions, that we are trying to enslave somebody over there.

What we are trying to do is to learn what we ought to do. A nation no more than an individual can do a wrong without punishment. When a man does his duty he builds better than he knows. When a nation does its duty it builds better than it knows. When a man does a wrong the harmful effects are greater than he ever conceived or intended. When a nation does a wrong the evils flowing from it are greater than were ever anticipated. This is the law of our being, the law of God, and can not be violated without punishment.

What I want to know now is, What is the right of this question: what is our duty? How did we come in possession of the Philippine Islands? You all know it was the result of the Spanish-American war. Everybody was in favor of that war. Cuba had kept a butcher shop near our shores as long as we could endure it. We heard the cry of those people for help, and we responded to that cry, and we responded in a way that no nation ever did before. We tendered our blood and our treasure as a sacrifice to help those people and never expected a dollar of money or a foot of land as a reward. We never expected any material benefit. We never expected anything except the satisfaction of having done our duty.

We did our duty, and in doing it we build better than we knew. Within ten days after war was declared everybody was astonished to see our flag floating in the Orient. Before the war was over everybody realized that we were a reunited people. The soldier who had worn the blue and the soldier who had worn the gray were marching under the same flag, wearing the same uniform, mixing their blood together on the field of battle. Sir, that war was worth all it cost us to have a reunited people. But that is not all.

For a great many years next before 1898 we had been giving all our energies to industries upon the land simply because it paid better. I know it has been said that a protective tariff destroyed our merchant marine. I do not believe that is true. Our merchant marine was allowed to be destroyed because it paid capital better to make investments on land. It paid better to put money in a railroad, in a manufactory, in a farm, or in a mine. We had gone on for a great many years making investments and developments on the land. We cared nought for the sea. We had reached the point, without realizing it, where we could make more and grow more than we could consume. We were ready for foreign markets. We were ready to ship what we made and what we grew to the uttermost parts of the world and we wanted our products to be shipped in our own vessels. Capital was ready about that time to go into ships, but there were two things that deterred it. We had no Navy to protect our merchant marine, as we thought, and, next, other nations were subsidizing ships. Up to this time we had done nothing to protect our shipping interests.

Just here I wish to pay special commendation to a few members in this and the other body who a few years before that time saw the necessity of increasing our Navy. You will remember, my friends, that the men who did this were largely Republicans.

I remember that in the campaign of 1896 in Kansas one of the opposition nominees for Congress made his campaign upon the statement, "What do we want with a navy? A navy can not plow corn." Two years after that it became apparent why we needed a navy.

By reason of our protective tariff, encouragement was given to labor, and the result was the best mechanics in the world. They lifted mechanism almost to the domain of the fine arts; and we discovered during the Spanish-American war that we were making in this country the best guns that were made anywhere, and that the few ships which had been built here were of the very best quality. What is more, we had also been developing and educating the seaman. We had behind the guns the best gunners. We had been breeding shooters in this country for two hundred years, but we did not know it. Capital did not realize it.

After the battle of Manila Bay and after the battle of Santiago, battles that astonished not only ourselves but astonished the world, capital was perfectly willing to invest in ships. Examine the record. Since the close of the Spanish-American war investment in ships has increased to a remarkable extent. The other day, not with your help, but in opposition to your efforts, we passed a bill which will still further encourage the building of ships. What will be the result? In a short time we will build a thousand, aye, 10,000 merchant ships. They will float the American flag; they will be manned by Americans, and they will carry from this great workshop—for the United States is fast getting to be one vast workshop—what we make and what we grow to every part of the globe, and carry back to us the products of every clime. We have subjugated the land, now we are ready to dominate the sea.

Mr. CARMACK. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Tennessee?

Mr. BURTON. Certainly.

Mr. CARMACK. I have been very much interested in the latter part of the Senator's argument. If I understand his argument, or that part of it with which I thoroughly agree, it is that we have not been investing in ships up to this time because the capital of the country has found more profitable employment in the building of railroads and in the opening of mines. I believe that was the Senator's statement.

Mr. BURTON. And other industries on land.

Mr. CARMACK. And other industries. I believe that was the Senator's statement.

Mr. BURTON. And for the further fear that the merchant ships could not be protected, not knowing that we had the kind of a Navy we did have until after Dewey and Sampson and Schley and the other captains revealed it to us by the battles of Manila and Santiago.

Mr. CARMACK. The economic reason which I understood the Senator to give was simply that capital could find more profitable employment in other directions than it could in the building of ships, but that with the change of conditions the building of ships has begun, because now capital can find profitable employment in building ships. Did I correctly understand the Senator?

Mr. BURTON. That was about half my statement. There is not the same opportunity for capital to make investment on land that there has been in the past. Our railroads are largely built. Our manufactures are developed and other industries upon the land are developed. We were reaching a point, without realizing it, when it was necessary to pay attention to the sea. We did not know that until it was revealed to us by the Spanish-American war.

By reason of the protective tariff which has been in force in this country, by reason of the thorough establishment of the gold standard, which has given confidence to everybody, by reason of the wise laws which have been enacted in the past by the Republican party—by reason of all these things we accumulated an immense amount of property and money and developed in a material way faster since the close of the civil war than at any other time in our history. Indeed, we have not only excelled ourselves, but we have passed, far away passed, the entire civilized world.

We then reached a point where interest was very low. We had a vast amount of capital. We were ready to seek investments elsewhere, among other things in ships. But capital was deterred for two reasons. One was that it did not know that we had a sufficient navy to protect it. Another was that it did not know that it would have sufficient encouragement from the Government. Now we have passed a bill to extend that encouragement. We are going to protect that industry, just as we protect our other industries, and in a comparatively short time, as I said, the result will be that we will have thousands of merchant ships.

I understand what is in the mind of the Senator from Tennessee. He wants me to say that the ships would be built even if we had not passed the ship-subsidy bill. Yes; to a certain extent that is true, but not to the same extent. This is the very time to encourage that industry. It was revealed to us as the result of the Spanish-American war. We have been talking, for instance, for fifty years of an isthmian canal, but the Oregon sailing around the Horn was an object lesson that has done and will do more to build the isthmian canal than fifty years of speech making. That is another blessing which has come to us as a result of the Spanish-American war.

Now, sir, along with these blessings that have come to us may come some burdens, some obligations. Here is the Philippine Archipelago with millions of benighted people. What shall we do with them? Turn the country over to them? What is your plan? Shall it be that we will establish a protectorate there? Shall we establish any government at all there? What kind of a government? The kind, you say, that Aguinaldo and his com-

patriots want. Suppose they want an empire? Shall we let them build it, and shall we help them protect it?

There may be burdens to be borne, but "bear ye one another's burdens" was given as a blessing and not as a curse. I am not influenced by the argument as to what it will all cost. I do not know how much it will cost to civilize the Philippine Archipelago, but I know that if it is our duty to do it, we are in perfect harmony with the laws of God Almighty by carrying out that duty, and the blessings will come. We gave our blood and our treasure to free Cuba. We expected nothing. In four short months we had Porto Rico and we had all the blessings I have recited, and many more.

Let us do our duty by the Filipinos. Let us first establish civil government there—first put down insurrection. Ah, Senators, listen to the words of General Funston when he says, stop this carping criticism now, and stop it until the insurgents acknowledge the authority of the American Government, a part of which they are, and when that is done, then let us calmly discuss what is best to be done. And that is answered when we learn what is our duty toward these people.

Gen. Robert E. Lee, at the supreme crisis of his life, in writing to his son, said "duty" was the greatest word in the English language. What is our duty?

I want to hear that discussed more. It will not do for Senators to stand upon the other side and indulge in ridicule. It will not do for Senators to think they have made a smart point simply by calling attention to the fact that out of all the evidence which has been presented it is shown that perhaps one Filipino child has been shot. That will not do. It will not do to heap contumely upon the heads of such men as Chaffee, Otis, MacArthur, and Funston. It will not do to do what you have always been doing—grumbling, finding fault, complaining. It does not require any ability to find fault. You can grumble about anything. Go into a forest of a thousand acres and you can not find a perfect tree. Go into a crowd of 10,000 people and you can not find a perfect man.

Mr. President, I have taken up a great deal more time than I intended. I am reminded now that when Dewey summoned his captains after the battle of Manila Bay to report to the flagship, Captain Coghlan was the first to respond. Admiral Dewey, with a look of anxiety on his face, said, "Captain, what casualties?" "There are no casualties on my ship, Commodore." Then came another and another and another, until each and all of the captains had responded, and each made the same report. Admiral Dewey bowed his head and in solemn voice said: "The hand of God is in it."

I know how easy it is to ridicule—I know how easy it is to charge hypocrisy; but I know, or I believe at least, that there is an overruling Providence who has been directing the affairs of this people from the time of the settlements at Jamestown. I believe there was an overruling Providence in the storm of battle throughout the entire civil war, and I believe the people of the South now realize it.

I believe that there was an overruling Providence that sustained Washington and gave him the courage and the strength to at last crush Cornwallis at Yorktown. I believe there is an overruling Providence that is now directing the affairs of this nation, and I believe that the all-conquering, all-powerful, all-dominating Anglo-Saxon race—yes, the better part of both the Teutonic and the Anglo-Saxon races, that give virility and strength to this people—are commissioned to carry a knowledge of our wise laws and our better civilization to the benighted peoples of the Orient. And I believe if we respond to this duty, not stopping to ask what is it all worth or what will it all cost, the blessings that will come to us will be manifold and lasting, or failing to discharge this great responsibility, the misfortunes that ever attend duty neglected will overtake us.

Mr. President, I do not want to take the time to have it read or to read it now, but I should like to be permitted to insert in the RECORD the entire address of General Funston before the Lotus Club. I ask that it be printed as a part of my remarks, as an appendix.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas? The Chair hears none.

APPENDIX.

GENERAL FUNSTON DEFENDS THE ARMY.

Brig. Gen. Frederick Funston, U. S. A., was the guest of honor at a dinner given by the Lotus Club in New York City on Saturday, March 8, which was attended by about three hundred people. General Funston made a ringing defense of the Army and of the Government's general policy in the Philippines. His remarks were received with the warmest approval and were frequently interrupted with applause. As reported in the New York Sun, General Funston said:

"To talk about the Philippines and about the war over there is not in all respects agreeable, but I am glad of the opportunity to lay before such a company a few facts. It may aid some of you who have been misled by stories of various kinds to believe that the Army in the Philippines has been doing as well as it possibly could, and it may enable others of you to be

prouder than ever of the patience and fortitude and humanity which have distinguished the course of the Army and Navy in the Philippines from the beginning of the war down to the present time. [Applause.]

"I shall take very little of your time, and you will take into consideration, of course, the fact that I am not a public speaker. A man could not by knocking around the world for fifteen or twenty years acquire many graces as a speaker, but I will give you a few plain facts and ask you to draw your own conclusions.

WE COULD NOT SCUTTLE.

"When the city of Manila was surrendered to the Navy under Admiral Dewey [cheers] and to the Army under General Merritt, there were in the city some hundreds of Spanish families, men, women, and children, and a great many thousands of Spanish soldiers who were prisoners of war in the hands of our troops.

"In the eyes of the world these people, absolutely unarmed and helpless, were dependent entirely upon us for protection. In addition to these, there were many European residents; there were German and British merchants, with their families; proprietors of banks, commercial houses, warehouses, railroads, representing millions upon millions of dollars' worth of property.

"To have turned these helpless Spaniards and others over to the mercy of the uncontrollable mob which constituted the army of Aguinaldo would have been a positive crime. The Bulgarian and Armenian massacres would have been repeated on a smaller scale, and the whole thing would have constituted the blackest page in American history, a thing we could not have blotted out in a thousand years of repentance. [Applause.]

MASSACRE AND LOOT FOR MANILA.

"It is not to be supposed that Aguinaldo and some of the other higher officers would have countenanced a massacre of the helpless Spaniards or the looting of the city of Manila; but there is no possible doubt as to what would have happened. The 30,000 armed men who constituted his force would have been absolutely beyond control, and one has but to know that pitiable story of the execution of 200 helpless Spanish soldiers in 1899 by an insurgent major in the province of Albal—has but to know that awful story in order to realize to what depths these brutal savages could go.

"No joint occupation of the city of Manila was possible. Only one thing could be done, and that was to put the insurgents, bag and baggage, clear outside of the city and make them stay outside, police the city with our own soldiers, and allow things to remain in that state until a final disposition of the Philippine Islands could be settled, either by the treaty of Paris or finally by the people of the United States.

"Accordingly, on the demand of the American authorities, the insurgents went outside the city instead of going up to Malolos, where their government went. They formed a line of trenches running parallel with our own and extending from the sea at Malibon on one side to Peracuna on the other. They dug their trenches to within 100 to 250 yards of our own lines and filled them with twenty or thirty thousand armed men, so that constant vigilance was necessary on our part.

FILIPINOS PROVOKED WAR.

"The insurgents, with ribald jests, with curses and indecent oaths and insults, taunted us as cowards and dared our men to open fire, but stern discipline prevailed in our army, and we obeyed the instructions from General Otis to avoid a conflict under all circumstances or delay it as long as was possible; but day after day the friction became more intense. Nearly all of us, I think, realized that it was not a question of months, but a question of a few days until the clash must come.

"Aguinaldo and his paper government, his cabinet, and his self-appointed congress retired to Malolos and there issued proclamations and sulked.

"Finally, probably two weeks before the beginning of the war, an insurgent captain who refused to respond to the challenge of a sentry on the streets of Manila was shot dead. That was the first actual clash.

"About three days after that a private soldier of the First Montana Regiment, who was on sentry duty outside the city, was approached by a man with a rifle at about 10 o'clock at night. He gave the usual challenge, but the man did not respond, but instead of that fired at him from a distance of a very few yards, but, Filipino-like, missed him. [Laughter.]

"Only two days later a private of the South Dakota regiment on outpost duty, only 2 miles north of the city, was approached by an apparently unarmed native, who asked him for a match. The sentry started to hand him one, when he drew a bolo, a native knife about 2 feet long, and gave him a terrific blow across the face, cutting him from the top of the skull down to the chin, and I am glad to say that within about half a second the native fell dead, shot through the heart.

FISHED FOR IT UNTIL THEY GOT IT.

"A few days later a drunken mob of Filipinos, partly officers and partly soldiers of Aguinaldo's army, attempted to rush through the lines of the First Nebraska near Santa Casa. Only the presence of Colonel Stearns, that magnificent soldier who fell at Cang Co, prevented the flight from opening at that time. He had a great deal of influence over the natives and over his own men, and he induced them to retire.

"Three days later an insurgent lieutenant and two soldiers approached a sentry on the Santa Lucia Bridge, 3 miles east of Manila. The sentry, in accordance with the orders that sentries usually have, challenged the three at once, and instead of halting the men gave him an insolent reply, came forward, started to cross his post, and he fired and by one shot killed the lieutenant and one soldier. [Laughter and cheers.]

"The remaining soldier ran back to the insurgent line after this shot rang out, and the First Nebraska was called out. Of course there was a great deal of excitement and everybody thought it was like the incident of the attempt to assassinate the sentry of the Montana regiment, which resulted in the shooting of the Filipino captain in Manila. We also thought that the thing was ended for the time being, but within a minute or two rifle fire broke out from the insurgent trenches in front of the First Nebraska Regiment, and war had begun.

OH, THE SENTRY BEGAN THE WAR, DID HE?

"It is said that that sentry began the war by firing the first shot, but I think Army officers here will bear me out in the statement that if he had shot his own captain under the same circumstances he would have gone scot free (applause), or even if he had shot the general commanding the Army of the United States. The Secretary of War, or even the President himself, can not force his way past a sentry of our Army. Under the circumstances, there is no possible doubt that he was justified in shooting this man, and the incident should have been closed right there; but the excited insurgents in the trenches, hearing what had happened, opened fire on the First Nebraska, a fire that spread like a prairie fire on the plains of Kansas, for 5 miles to the right.

AND SO THE DANCE BEGAN.

"The Twentieth Kansas, of which I was colonel at that time, was stationed in a district known as Penango, the commercial part of the city of Manila. We had on outpost about 75 men. I had just retired that evening when Major Metcalf, afterwards colonel of the regiment, came to my door and knocked. I got up and went to the door, and he said:

"Well, colonel, the dance has begun."

"I said: 'What dance?' [Laughter.] And he said: 'Come out on the porch and listen to it.'

"We went out and heard that old familiar sound, the rattle of the Mauser rifle.

"Of course there are all sorts of men in our Army—Regular and Volunteer—good, bad, and indifferent; but I believe that it is a pretty safe guess to say that 95 per cent of the men who constitute our Army are a brave and humane lot of men, who are a credit to the service. [Long applause.]

"The other 5 per cent of the men are the kind that write letters to the newspapers at home and tell big stories, and they are the class of men who have ornamented the inside of a guardhouse more often than they have distinguished themselves in the field. [Applause.]

SOME OF THE GOOD MEN WHO ARE GONE.

"I wish to hold up a certain officer who lost his life in the Philippines as a fair type of our Army officer, as humane and kind a gentleman as ever lived. Capt. George J. Godfrey, of the Twenty-second Infantry, who was born here in New York City, was appointed to West Point from here, and served under New York men. He was a very popular man, beloved by his own soldiers and beloved by the natives, too; popular with his own comrades, humane and just, without such a thing as hatred in his heart.

"I was on a campaign one day with Godfrey's company, and owing to the conditions there—ambuscades being absolutely certain—we ran into an ambuscade and had a fierce fight, lasting for about half a minute, and Godfrey was shot through the heart as close to me as the president of this club is. I heard the curses of his men and saw them crying, and I knew what they had lost in their beloved captain.

"Another type of man was a certain Sergeant O'Brien, first sergeant of Troop G of the Fourth United States Cavalry, twenty-five years an enlisted man in the Army, a magnificent type of the professional soldier, sober, attentive to his duties, courteous, and with great pride in his occupation. He had started at one time on a scout from the town of San Isidro with Troop G, now at Fort Leavenworth, Kans.

"O'Brien had been ill in the hospital for some days; he heard that we were going on a scout and he wanted to go with the troop. But his captain, Captain Keeler, said:

"No, sergeant, you can't go; you are not well enough."

"O'Brien replied: 'I have been in every fight with my troop for twenty-five years, and I hope I don't have to be left behind now.'

"Captain Keeler said: 'Well, all right; come along.'

"We marched out to the town of Sampaloc. We had information that 250 insurgents, under Lacuna, were going to attack the town that night; the town had a very small garrison. We divided our men up so that our detachment, with which we finally struck them, numbered only about 50 men.

"Within twenty-five minutes after leaving town we struck them, and there was one of those wild minutes that are worth ten years of an ordinary humdrum existence, and when it was over there were 44 dead insurgents on the field, and among our own dead was Sergeant O'Brien, shot through the heart—shot off from his horse.

"I simply wish to hold up those two soldiers, Godfrey and O'Brien, as fair samples of the magnificent men who are being sacrificed in the Philippine Islands.

SHOT IN THE BACK.

"And now I am going to say something which I hope you gentlemen will not criticize; I am going to say it just as mildly as I can, but we who have seen our men killed, who have seen our men die of typhoid fever, die of dysentery in the hospitals, and who have buried them in hundreds of nameless graves in the Philippine Islands, feel bitterly about this subject. All of those men who have fallen since the month of January, 1900, have died not because the Filipinos really had much heart in fighting against us, but because they were kept up by a lot of misinformed and misguided people here in the United States. [Applause and cries of 'That's right!']

"It is perfectly proper for us to have all sorts of opinions about the advisability of holding the Philippine Islands—as to whether they are worth anything to us or whether they are a burden to us—we are perfectly justified in having as many opinions about them as there are islands in the Philippines; but, for Heaven's sake, let us keep those opinions to ourselves until the sovereignty of the United States has been established over every square inch of those islands, and then let us get together and pull hair and fight the thing out among ourselves. [Cheers and prolonged applause.]

ALL OVER BUT FOR MISGUIDED AMERICANS.

"I have been told by a number of insurgent officers of high rank, after their surrender or after their capture, said they were kept up solely after January, 1900, by the hope that the people of the United States would compel the Government to withdraw from the islands. I was told that without any hesitation whatever by men so reserved a man as Aguinaldo himself. I was told that by the notorious Alejandrino, by Luna, by Pablo Tecson. None of these men made any secret of it at all.

"It can not be claimed that the first part of the war should have been the end of it at all; the first part of the war was absolutely unavoidable; it could not have been avoided; but when the insurgent army went to pieces in January, 1900, when they broke up into bands of guerrillas, then the thing would have stopped; they would have turned in their arms and given up, and all the hundreds of lives and all the millions of money expended since that time would have been saved.

WAS WASHINGTON AN ASSASSIN?

"I hope that I may be allowed to combat another impression that is altogether too prevalent in the United States; that is, that the insurgent leaders in the Philippines are a very high type of men, patriots, fighting for the good of their country, and all that sort of thing, and that they are to be compared with the men who won the independence of the United States more than a hundred years ago. I shall in a few moments give you a few samples of some of these patriots over there, and allow you to make your own comparisons.

"About the ablest military leader the insurgents had was Antonio Luna, who was a brave man, a good officer, accomplished, and as to the capability to handle troops in the field he probably would come up almost to the officers of our own Army. This man on account of his personal courage was gaining such prestige with the insurgents that Aguinaldo ordered him to be assassinated, which was done at the town of Palanan, the man being shot down in cold blood by the sentries on guard at Aguinaldo's door when he stated to the sentry on duty that he wanted to see Aguinaldo. I talked with the late lamented dictator himself on that subject and asked him about it. He said:

"Why, yes. I had him killed simply because if I had not he would have been dictator in my place."

"Can you imagine George Washington doing such a thing as that? [Cheers.]

DID GENERAL PUTNAM MURDER CHILDREN?

"In the town of San Isidro, where I commanded for a year and a half, was a family of the name of Baya, a Filipino family. The father had been an opponent always of rebellion. He was a large landowner and had a considerable family. He had five or six sons, among them, the youngest boy, a chap of about 10 years. This boy was working away at the English language, and he had come to me half a dozen times to get some aid when he would get all tangled up on some of our beautiful words.

"This boy was suspected finally of being a spy because he came over to my headquarters a few times.

"This poor helpless boy, who was as innocent of being a spy as anyone possibly could be, and who, in fact, had never discussed any phase of the war with me at all, was taken by these murderers, tied to a stake, and flogged to death. They flogged him for three hours, until he fell dead.

"Can you imagine Israel Putnam doing a thing of that kind? [Cheers.]

"A few days later the same chief who had had the boy flogged and who had been unable to collect any taxes in the town made a raid in the town with a number of guerrillas; he made the raid and burned about 30 houses and killed more than 15 people, without any just cause or provocation whatever, in order to compel them to pay taxes to the alleged insurgent government. We had been hunting him for fully a year, and laid for him for many a week, and I am glad to say that the next time I had command of a detachment that got him, and now he is with the angels. [Laughter and applause.]

EVERY CHIEF A MURDERER IN OUR EYES.

"It would be impossible to exaggerate the number of crimes that have been committed by the insurgent leaders—crimes almost against their own people, the assassinations of Filipinos, not only those who were suspected of being in sympathy with the Americans, but people who had refused to pay insurgent taxes, men against whom there was no suspicion whatever. The number would run not only up into the hundreds, but even up into the thousands.

"There is not a town in the Philippine Islands in which men have not been assassinated by the orders of these men, and there is not a single chief, from Aguinaldo down to the lowest leader of a band of guerrillas, who could not be put on trial and convicted of murder before any jury in the United States—downright, deliberate, cold-blooded murder.

"Aguinaldo himself, tried in any court in the world, could be convicted of the murder of Luna, and there is not one who could not be convicted of the assassination of men, women, and children.

OCCASIONALLY A FEW GET HANGED.

"We had at San Isidro a sergeant of police named Lopez; he had been a soldier in the Spanish army. We appointed this man a sergeant of police, and he was very efficient in the obtaining of information regarding the insurgent tax collectors who came into the town, and also in ascertaining the hiding places of concealed arms. The insurgents made every effort to capture this man, but he slept with our soldiers and they found it impossible.

"One day he and his wife and daughter, a young girl of about 15 years, went in a small vehicle, about as large as one of our buggies, to a little town not far off on a visit. Tecson's men were lying in wait for them and captured them, and they took these two women and this man out into the fields and brought them before a guerrilla chief, who ordered the three to be thrown down a well 35 feet deep. We recovered their bodies a short time afterwards. We captured the murderers and hanged every one of them. [Applause.]

"I believe it is safe to say that there has never been a war in this world where the people have shown such patience and such humanity as have the United States troops in the Philippine Islands. [Cheers.] With very rare exceptions all the men executed have been executed after a fair trial before a military commission. They had counsel to defend them where the case has gone before the commanding general for final review.

"Of course there have been exceptions, but probably not more than a dozen altogether, where men caught red-handed in the commission of a crime have been summarily executed. But that is done in every war; it was done in our own civil war; it has been done in every war that the world ever saw. But these cases have been very rare.

"I suppose that as many as 700 men in the Philippines have been tried and sentenced to death for murder by our military commissions, or probably three-fourths of them for murder. Of those, not more than 300 have been executed. The sentences of the others have been commuted to imprisonment for a number of years, and others for various reasons have been allowed to go free.

"I do not want to say anything brutal, but, as I say, the Army feels bitterly about this business. I have no quarrel with the man who thinks that we should not at first have taken the Philippine Islands; I have no quarrel with the man who thinks a whole lot of things, but who does not say too much about it now; but all those men who have been writing and talking about this thing and keeping this warfare alive and in the field to-day—I say that I would rather see any one of these men hanged—hanged for treason, hanged for giving aid and comfort to the enemy, than see the humblest soldier in the United States Army lying dead on the field of battle. [Applause and cheers.]

WHY NOT WAIT UNTIL ARMS ARE LAID DOWN.

"Those of us who have served with these humble men, these magnificent soldiers, these faithful fellows, feel for them in a way that others can scarcely understand.

NOT FIT FOR SELF-GOVERNMENT.

"It can not be said that these people are fit for self-government. It is perfectly ridiculous to imagine such a thing. Of course, they clamor for it, and, of course, when I say they are not fit for self-government, I do not mean that they are not fit for some such government as has been given to them under Judge Taft, but I mean absolute independence. No; there is no comparison between the Cubans and the Filipinos as far as their capacity for self-government is concerned. I don't lie awake nights admiring the Cubans, and I know them pretty well, but it can not be denied that the Filipino insurgents have not and never had among them such men as that magnificent Maximó Gomez, such a man as Garcia, or such a man as Laceret, and dozens of other insurgent chiefs—such men as Palma, who was one of their leaders in the rebellion of '08.

"These men will see that Cuba is taken care of all right. Garcia put into it every cent he had, with the exception of a few thousand dollars which he gave to his wife to live; the same with Maceo, the same with dozens and dozens of other insurgent leaders.

"Some of them were not worth much, perhaps, but there have been absolutely no men in the Philippine Islands, if we except Antonio Luna, now dead, and Pablo Tecson, who is still living, who have character and real patriotism enough to enable them to form a government over there and keep it going for as long as six months.

OUR WITHDRAWAL MEANS CHAOS.

"If we withdraw from the Philippines to-day, withdraw entirely, and not establish a protectorate, there would be half a dozen kinds of civil war inside of six months. There is no possible doubt of that. Every chief would gather his followers about him, and they would burn and loot and march up and down the country, each man killing those opposed to him, and we would have another Colombia or Venezuela or some other kind of South American trouble on our hands at once, and the world, I am sure, would hold the United States responsible for that."

STORY OF THE CAPTURE OF AGUINALDO.

In response to an urgent demand General Funston proceeded, with much reluctance, to tell the story of his capture of Aguinaldo. He said in introducing his remarks: "Of course you know it was what they call 'a dirty Irish trick' on Aguinaldo." [Great laughter.]

"Aguinaldo," General Funston continued, "told me that he had never re-

turned anywhere near the vicinity of Manila after he had been chased northward by General Lawton. [Cheers for Lawton.]

"He had retired to the little village of Baler, near the northeast coast of Luzon, across an almost impassable range of mountains, and there, accompanied by, I believe, 8 officers and 49 soldiers, had settled down in this small village, which was 50 miles from the nearest town garrisoned by Americans, and I can tell you that 50 miles over those mountains is farther than from here to San Francisco on a Pullman car." [Laughter.]

Then followed the story of the capture of Aguinaldo's letters and the inception and execution of the plot to penetrate his stronghold and capture him. As to his command being disguised, General Funston said, "There seems to be a very general misapprehension of the fact that we had gone to Aguinaldo clothed in insurgent uniforms. The fact is that we had been accustomed to going about in all sorts of uniforms, and sometimes with no uniforms at all. We were merely dressed as if we had come out to-night in evening clothes, to shoot people, and then come back and hidden our Mausers, and put on regular working clothes again. But we took along some insurgent uniforms, probably about twenty, although not more than half a dozen were worn at all; and it is a fact that having those insurgent uniforms with us had no bearing on the success of the expedition. The insurgent uniform, by the way, was merely the uniform of the Spanish army. They had these uniforms because they had captured them when they drove the Spaniards out of the towns of central Luzon, and consequently when the insurgents began fighting us they uniformed every man in Spanish uniforms, and I do not know but that we had about as much right to put that uniform on the Macabebe soldiers as had the insurgents to wear it. That is a question worth thinking about."

In substance General Funston's account of his expedition was what we have already had, but there were some things of special interest in it and we give the following:

"Hilario Placido and three other officers who accompanied us had been insurgents, two of them had been captured about three months before and the others had voluntarily surrendered. No particular inducement was offered to them to join us, except that we told them we would reward them pretty well and we would have a pretty good time. [Laughter.] They were not informed as to the actual purpose of the expedition until we had sailed from Manila, as it was not considered advisable to take too many into our confidence.

"However, we sailed from Manila on the *Vicksburg*, and, by the way, it was a lucky thing for us to get such a ship as the *Vicksburg*, and so fine an officer as Captain Barry in command of her, and such a lot of sailors as manned her, because if we had to depend on any merchant ship in the world, or any picked-up crew of men, I don't know what in hell we—I mean we would never have put that expedition through successfully. [Great embarrassment on Funston's part as he caught the Rev. Dr. Minot J. Savage's eye.]

"The country between the place of disembarkation and his camp was almost impassable mountains—mountains which had never been crossed by a white man, except one, by a Jesuit priest, about twenty-five years before. The country was inhabited mostly by savages, but there was about twenty miles north of our landing place a village known as Casiguran, a small town of not over 500 people. They had a presidente, or mayor, as we would call him, and a small force of insurgent soldiers.

"Before disembarking from the ship we five Americans were dressed entirely as private soldiers, in the uniform of the United States Army, but with no insignia of rank. Each man wore a campaign hat, a blue shirt, and a pair of khaki trousers, and carried no extras, I believe, but a few that did not weigh very much anyhow, and when we reached Casiguran we were turned over to the Casiguran authorities and put in the town jail. In case I ever run for office back in Kansas I do not want that fact brought out.

"It had been our hope that in this town of Casiguran we would be enabled to obtain some provisions that we could carry, but we found the people there living almost exclusively on sweet potatoes and fresh fish. For obvious reasons it was impossible for us to carry enough of those articles to last for seven or eight days.

"It is too long a story to go through—that terrible march. We left Casiguran unable to obtain a full supply of cracked corn; we left with what would be about a three-days' ration, counting on two meals a day, and with probably one day's ration of dried meat. We simply thought we would take chances. If the march had lasted another day, if we had been 20 miles farther away, not a single one of us would ever have got out of the country alive. When we finally reached our destination some of the Macabebes had given up, some of them were crawling on all fours, and I myself had to lie down every half hour for a minute or two, so weak that I could not walk.

"For the first six days we made this cracked corn hold out, with the dried meat; then we caught small snails and ate them; we scraped limpets off the rocks and ate them, for we were marching along the sea, and I regret to say that we also ate an octopus. I know the octopus is supposed to live in New York, and therefore I am afraid to speak about that. This octopus is a sort of small devilfish, and the Macabebes made a stew of it. I took some, and I do not believe I care for any more.

"Hilario Placido, who had been an insurgent officer, who had been shot through the lungs early in the war—back in 1899—was personally acquainted with Aguinaldo, and was standing next to him when the firing began. In the meantime Sigismondo had gone outside and ordered the firing.

"IS IT A JOKE?" ASKS AGGY.

"When the firing began Aguinaldo thought his own men had ordered the fire to greet the reinforcements they were expecting, so he stepped to the window and said:

"'Stop that foolishness.'

"Then Hilario Placido hurled him to the floor and said: 'You are a prisoner; keep still.'

"About that time we five Americans got into the room and Aguinaldo got on his feet, and he was a very mellow individual. He was fearfully excited, as a man would naturally be under those circumstances. He asked us to protect him, and I assured him that he would be protected. He said:

"'This is not true? This is a joke?' I said:

"'No; this is not a joke; this is the real thing.' [Laughter.]

"The turmoil was all over in a very few minutes, but the Macabebes were wildly excited. They had been under a terrible nervous strain, and especially for an hour the situation was very trying for them. They ran around like wild men, and insisted upon hugging us and calling out in Spanish: 'What's the matter with the Macabebes? They're all right. Who's all right? The Macabebes.'

"You will understand that these men had very little faith in the outcome of the expedition. We did not explain to them what we were going to do until we sailed from Manila. They feared that none of us would ever come back, and it was simply by cajoling and threatening also that we kept them up to it.

"They were men no better, nor any worse, than the other Filipinos. They were simply Filipinos and did not constitute a separate tribe, but simply belonged to a certain village; they have never been insurgents simply because of the lack of opportunity.

"The Macabebes had recognized Aguinaldo and were anxious to kill him. They had no particular spite against the other insurgents. It was in 1897 that 300 Macabebes were penned up in a church and burned to death by an

insurgent force under Aguinaldo, and that is the reason they felt so bitterly toward him personally.

"However, we took every possible precaution to protect the prisoners from harm, and treated them with all consideration. They appeared very much surprised that they were not put in irons, and they asked if they were to be sent to Guam—evidently they had heard of that cheerful resort—and also if they were to be executed. We told them that it was very unlikely, but that it would depend very much on their own conduct.

"Just as we reached the coast we saw a black speck of smoke away out at sea, and we knew that the Navy was doing things right, just as it usually does them. The *Vicksburg* steamed in within 2 miles of the shore, it not being safe to come closer; so we arranged a signal. We had brought down with us a bed sheet, and this was rigged on a bamboo pole, and we signaled: 'We have him; send boats for all.'

"We watched with our glasses the signal on the *Vicksburg*, and finally we spelled it out:

"'Bully! We are coming.' But a tremendous surf was running, and we had very serious doubts as to our ability to get on board the ship. All of the ship's boats except the steam launch were lowered, and they came through that surf; and honestly it seems to me as if it was half as high as this room; maybe it was higher; I don't know. One of the boats turned upside down, but finally they came through the surf, and the men cheered and yelled.

CAPTAIN BARRY IN THE FIRST BOAT.

"The commander was in the first boat that came through.

"We ran up and of course there were very cordial greetings. It seemed to me those men never stopped howling and yelling; they just went through the surf and they were drenched through and through from head to foot, but that didn't make any difference. When they got through with their boats they just yelled and whooped it up.

"We got out with a great deal of difficulty. A couple of trips had to be made, but fortunately we got through without any accident at all, and we were finally on board the *Vicksburg*, all drenched through from head to foot. The officers lent us some clothing and we sat down to a very good dinner, and two days later we turned the late lamented Emilio Aguinaldo over to General MacArthur.

"I had a most important talk with Aguinaldo on the way down—and, by the way, he is a very reserved, cautious man, says very little, and you have to get everything out of him by questions. Barcelona was very talkative, and consequently we concluded that what he said was not of a very great deal of value.

"The most important thing that we got out of Aguinaldo was in his mellow moment, about half an hour after his capture. Just as soon as things calmed down I went to talk with him, before he got his wits collected, and so I asked him a few questions, a little bit impressively. Of course we had all heard this story to the effect that Admiral Dewey and various consuls and naval officers had promised the Filipinos independence. As far as I am personally concerned, Dewey's denial of that thing settles it with me. [Cheers and applause.] But just to see what Aguinaldo would say I asked him the question direct:

"'Did you ever have any promise from anybody, any American Army or Navy officer, that the United States was going to recognize the Filipinos?'

"He hesitated and stammered, and said—this is in confidence: I did not know I was going to tell about this at a Lotus Club dinner; this is between ourselves. [Cries of "Of course."] He said:

"'No, nobody promised us anything; but we had faith in the generosity of the American people.' [Loud cheers and applause.]

Mr. VEST. Mr. President, I do not rise for the purpose of participating in the present debate, which I am very sorry to say has degenerated somewhat into a sectional discussion. I see, however, in the CONGRESSIONAL RECORD of this morning a statement by my friend the senior Senator from South Carolina [Mr. TILLMAN], made yesterday, which I feel compelled to notice in justice both to the living and the dead.

It seems from the RECORD that the Senator from South Carolina made the statement, which has been found in the public press and heard from the lecture platform for the last three years, that at the historic conference in Hampton Roads during the year 1864 between Abraham Lincoln and William H. Seward, President and Secretary of State of the United States, and Alexander H. Stephens, Vice-President of the Confederacy; R. M. T. Hunter, formerly a United States Senator, and John A. Campbell, formerly a justice of the Supreme Court of the United States, Mr. Lincoln wrote upon a blank sheet of paper the words "Save the Union," and then handed the paper to Stephens, saying, to quote the language of the Senator from South Carolina, "Aleck, take this paper and fill up for yourself the conditions of peace between the two sections."

This remarkable assertion was called to my attention some two years ago in a lecture delivered by that eloquent and very distinguished gentleman, Col. Henry Watterson, of the Louisville Courier-Journal, when he paid the highest tribute to the life and public services of Abraham Lincoln. Colonel Watterson, beyond any question, believed the statement to be true, and said that it came from a neighbor of Alexander H. Stephens, who had the incident from Mr. Stephens's own lips. Hon. John H. Reagan, some few years ago a member of this body from the State of Texas, and the last surviving member of the Confederate cabinet, having been postmaster-general for four years, in an open letter to Colonel Watterson denied the truth of this statement upon information derived from the commissioners of the Confederate States themselves.

Mr. President, I know personally, without having been present at that celebrated interview, that the incident is without the slightest foundation. If true, it would place the Government and officers of the Confederate States in the category of criminals, because, if true, the Confederacy was offered all that it ever demanded in the wildest hopes of the most extreme partisan of that war, if they would only return to the Union. In other words, to show how absurd the statement is upon analysis, it

would mean that the Confederacy could have placed upon that blank sheet of paper the perpetual establishment of slavery, the right of secession, the most extreme demand that had ever taken locality even in the dreams of any Confederate.

I happen to know from the lips of two of the commissioners, Alexander H. Stephens and R. M. T. Hunter, that no such incident ever occurred between the representatives of the United States and of the Confederate States at Hampton Roads. Upon the return of the commissioners of the Confederacy I heard their official report, as Mr. Reagan heard it, he being a member of the cabinet, while I was a member of the Confederate senate, and I am to-day the only surviving member of the 26 gentlemen who acted as Confederate senators.

What did happen at Hampton Roads beyond question was this: When the commissioners, if I may so term the President and the Secretary of State of the United States, met the commissioners of the Confederacy, Mr. Lincoln, addressing himself to R. M. T. Hunter, whom he knew very well, said, "In the first place, gentlemen, I desire to know what are your powers and instructions from the Richmond Government?" avoiding, as Mr. Hunter told me himself, the words "Confederate States," but terming the Government that of the Richmond Government. Mr. Hunter, to whom the inquiry was addressed, said, "Mr. President, we are instructed to consider no proposition that does not involve the independence of the Confederate States of America." "Then," said Mr. Lincoln, "the interview had as well terminate now, for I must say to you gentlemen frankly and honestly that nothing will be accepted from the Government at Richmond except absolute and unconditional surrender. I may add," he said, "as the Chief Executive of the United States, in addition to this, that if you lay down your arms and submit to the authority of my Government I will exercise the largest Executive clemency to the leaders and generals of the Government at Richmond."

This terminated the interview, and as the commissioners of the Confederacy retired from the chamber, Mr. Lincoln, addressing Stephens, who was the last to go out of the room, said: "Stephens, you are making a great mistake. Your Government is a failure, and when the crash comes, as it soon must come, there will be chaos, and disasters which we can not now foresee must come to your people."

This account of that interview substantially and almost word for word as I have given it came to me from Alexander H. Stephens and R. M. T. Hunter—one Vice-President of the Confederate Government and the other president pro tempore of the Confederate senate.

But, in addition, to put this matter beyond all sort of dispute, Judge Campbell, than whom a more honest and frank and trustworthy man never lived, took down in pencil at that interview, word for word, what passed between the commissioners. I heard of the existence of that paper after the return of the commissioners, but I never had any interview with Judge Campbell upon the subject. However, his account in writing was exhibited to many of his friends in the city of Richmond, and among others to the Hon. James L. Pugh, the predecessor of my friend the junior Senator from Alabama [Mr. PETUS] at this time, who read that account and who has stated to me often that it contained almost exactly the same description of the interview which I have attempted to give to-day.

I repeat, Mr. President, that I have considered it my duty to make this statement in order that history may not be falsified, in order that the men who were said to have refused this offer at the hands of Mr. Lincoln should not be made to sin in their graves, for if they had refused what was said to have been tendered to them by the President of the United States they would have been accessory to the murder of every man who fell from that time in defense of the Confederate cause, and they would have given the lie to the intentions which they professed when they risked everything, everything that is held dear amongst men, in defense of the Confederate cause.

It may be but a very short time until I shall join the 25 colleagues I had in the Confederate senate, and I do not want this statement, which I have no doubt the Senator from South Carolina believes to be true, to go into the records of this country without my statement of these facts and my solemn denial that there is the shadow of truth in this assertion which has been going the rounds of the newspapers of the country for the last few years.

Mr. CARMACK obtained the floor.

Mr. BERRY. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Arkansas?

Mr. CARMACK. With pleasure.

Mr. BERRY. Mr. President, the Senator from Missouri has very properly corrected, in the interest of truth and in the interest of history, a statement made by the Senator from South Carolina on yesterday. I desire for the same reason to correct a statement of more recent history made by the Senator from Maryland

[Mr. McCOMAS] on yesterday, which I find in the RECORD this morning.

The Senator from Maryland in his speech said "the minority have in a prolonged debate ignored all history, ignored the treaty most of them helped ratify."

Now, Mr. President, the speech of the Senator from Maryland was a prepared speech.

Mr. McCOMAS. That should be "some of them."

Mr. BERRY. Ah! I spoke of it as I found it in the RECORD. The Senator said "most of them."

Mr. McCOMAS. I should have said "some," if I did say "most."

Mr. BERRY. I wish to state that on the ratification of the treaty every Democrat voted either for the ratification or against it or was paired. There were 10 Democrats who voted for it, 25 who voted or were paired against it, and of those who were then known as Populists and Silver Republicans there were 4 who voted for it and 3 who voted against it. Instead of its being "most of them," as I found it in the RECORD, the statement I have made is correct, that there were only 10 Democrats who voted for it, while 25 voted against it.

I did not wish the statement to go uncorrected in the RECORD, that a majority of the Democrats had voted for that treaty when the facts were otherwise.

Mr. McCOMAS. I wish to say to the Senator that I will make that correction. I did have it in my manuscript "most." What I said here was "some." The RECORD is wrong. I will have the correction made.

Mr. BERRY. I said that I found it in the RECORD.

Mr. CARMACK. Mr. President, I shall occupy the time of the Senate to-day only for a short while.

I listened with rapt and attentive ear to the labored eulogium which the Senator from Kansas [Mr. BURTON] paid to his friend and hero General Funston. If it will satisfy that Senator to know that he has proved General Funston to possess the qualities of physical courage and physical endurance, I freely concede it. If a few acts of reckless dare-devilry in the Philippine Islands or elsewhere are enough to make a man a hero, he is entitled to his laurels. I do not dispute anything the Senator has said or that anybody else may say bearing upon the one question of General Funston's physical courage. I am as ready as any man in the country to honor an exhibition of military courage, though as a matter of fact it is the commonest quality of our race, and there are very few men who do not possess it. In an army of 100,000 men gathered from any part of the United States you would not find a thousand, and I do not believe you would find a hundred, cowards. So I say the quality of physical courage, of military courage, is not so very rare that we are to make a demigod of every man who demonstrates the fact that he possesses it.

There is another type of heroism probably as noble as that of the swordsmen. The engineer who meets death with his hand on the throttle, the fireman who rushes through flame and smoke to save a woman or a child—the physician, and I have known many of them, who goes into the midst of the pestilence through weary weeks and months, facing death every moment of every hour, day and night—each of these is a hero; but because he is a saver and not a destroyer of life, he does not think that he is the lord of the universe; he does not think that the earth is his, and the fullness thereof; he does not believe that he has been licensed to scourge and kick all mankind into an humble submission of any views he may choose to express, or offer to hang every man who does not agree with his opinions.

So far as I am concerned, Mr. President, I shall never consent that any man shall have unlimited license to insult and slander and defame simply because he has swum a river or charged a fort.

The Senator from Kansas makes pathetic reference to the fact that General Funston's lips are sealed. Who sealed his lips, and how did they come to be sealed? The Senator simply draws attention to the fact that Funston's slanderous and licentious tongue had made him such a common nuisance, had caused such shame and a scandal to the Army and to the Administration, that the President of the United States, in the interest of common decency, was compelled to muzzle him.

The Senator seems to think that I am lacking in magnanimity because I attack a man whose lips are sealed. But what difference does it make that Funston's lips are sealed, so long as the mouth of his Senatorial champion gapes wide as Erebus? What difference does it make that Funston is extinct, so long as the Senator from Kansas is in constant eruption, belching forth fire and smoke and melted lava from his agonized and tumultuous bowels?

Why, sir, so long as Funston has such able champions and defenders on the floor of the Senate whom a man must encounter every time he mentions the name of this doughty hero, I think it an act of dare-devilry worthy of anything that Funston ever did in the Philippine Islands to assail him on the floor of the Senate. I do not want to boast of my own exploits, but I think the bravest

act, the most heroic act that any man ever did was when I dared the vengeance and the wrath of the distinguished Senator from Kansas by expressing my opinion of Funston. Why, Mr. President, as the hangman's assistant he is almost as much an object of dread and horror as the hangman himself. There is a suggestion of the dull, sickening thud in the very tones of his voice; that as he shook his grisly forefinger in the air I could almost see the grease of the gallows dripping from the end thereof.

But I have no desire, to waste any words on Funston. Perhaps, sir, the curse of silence which the President has laid upon his remorseless and incessant larynx is as much punishment as he should be called upon to endure. I hope, now that his attention has been withdrawn from the sound of his own voice, he may have an opportunity for quiet reflection that may teach him that even heroes have no right to slander and defame public men for daring to express their opinions upon a public question.

The Senator proceeded to read at great length testimonials to Funston's character, and he proceeded to read from his Lotus Club speech, the speech which caused the President to put the extinguisher upon his light, or rather upon his mouth, in which he charged that every leader of the Filipinos was a murderer and an assassin, and in which he made the charge that Aguinaldo had burned 300 people alive at one time.

Now, Mr. President, in my opinion, when General Funston made that accusation he willfully and deliberately and premeditatedly lied. I do not believe that there is one word of truth in it. Stop for a moment and think what is involved in this charge, that Aguinaldo was and for a long time had been a common murderer and an assassin, that he had burned 300 people alive at one time. All this is said to have occurred before the American Government engaged in its war with Spain.

Aguinaldo was the man whom Dewey sent for, with whom he sought cooperation, whom he helped to arm and place in charge of an army of 20,000 or 30,000 men and turned them loose in the Philippines when there was not an American soldier there. A common murderer, common assassin, common thief, a man who was in the habit of burning people alive by the wholesale, is the man whom Dewey selected, whom Dewey armed, whom Dewey helped to organize an army and turn loose in the Philippine Islands when there were thousands of Spanish women and children, noncombatants, absolutely at his mercy and at the mercy of the fiendish chiefs and subordinates who constituted his following, according to the statement of General Funston. If that is so, Admiral Dewey violated all the rules of civilized warfare, and instead of being honored as a hero he ought to be court-martialed and turned out in dishonor and disgrace.

Mr. President, General MacArthur, Admiral Dewey, Dr. Schurman (the first president of the Philippine Commission), and Governor Taft (the second president of the Philippine Commission), all unite in denouncing these stories as absolutely false. General MacArthur says they are false. I am not attacking Funston simply because he does not agree with me upon this question. I say, from the evidence and from the record, the man is not worthy to be believed upon any question whatever.

Mr. President, before I take my seat, I wish to make just a few remarks upon another question, and that is the efforts to revive the passions and the bitterness of sectional hatred which have been made upon the other side of the Chamber. It is a deliberate purpose, a deliberate effort in pursuance of a deliberate plan, to divert this debate and to divert the attention of the people from the atrocities you have committed in the Philippine Islands, and which you are attempting to-day, with an almost incredible indifference to human suffering and to the honor of the American Government, to justify and excuse.

A few days ago we saw in the newspapers that the President of the United States had called the leaders of his party together and had demanded of them that they should abandon their policy of contemptuous silence and do something to break the force of the shameful revelations that were being made with reference to your conduct in the Philippine Islands. I suppose, sir, that it is in obedience to instructions from the White House that the effort is now being made to reopen the healed wounds of the country and to fan the flames of sectional hatred and of passion. I suppose it must have been the result of that conference, for a short time thereafter, before a single word had been uttered upon that side of the Chamber, it was given out in the newspapers that the policy of the Republican party would be to divert attention from what was going on in the Philippines by reviving all the stories of atrocities being perpetrated, or which had been perpetrated, in the South away back to the time of the war of secession.

We had been hearing of late a great deal about a reunited country. Are we to understand, Mr. President, that Republicans love the South only when there is a war to be fought and when soldiers are needed, and does your love of the South cease as soon as the war is over and no more Southern blood is needed to be shed in defense of the flag? I do not know; but I

know that at the very first opportunity you have had after the close of the war with Spain you again raise your hideous ensign of the bloody shirt, and again you seek to distract and divide the country into two distracted, hostile, and embittered sections.

Ah, Mr. President, the course of some Senators upon the other side, if it shall be followed by others—as I hope it will not—but the course of some Senators upon the other side of the Chamber seems to indicate that all of your professions have been but shallow hypocrisy, a mere whitening of the sepulcher, behind which are rottenness and dead men's bones.

When Senators upon the other side of the Chamber, who are flaunting the bloody shirt, make their speeches about Southern outrages pertinent to any question that is before this Senate, I shall be ready to meet every slanderer of the South and every defamer of its honor; I shall be ready to meet any man who calumniates the people among whom I was born, when he makes his remarks pertinent to any question before the Senate; and I care not, sir, whether the assault comes from some part of the country beyond the borders of the South or whether it comes from a recreant and degenerate son who has proven a traitor to the womb and the bosom of his mother. I shall be ready to meet him, but I will not be diverted from the issue that is now before the Senate by any number of miserable, crawling, slanderous falsehoods that may wriggle in the dust of this debate.

No man in the country could deplore more than I do any effort on the part of Senators upon the other side of the Chamber, or upon this side of the Chamber, to reopen any of these questions, which we had fondly hoped were buried forever. I am one of those who want to see all such questions hidden forever from the public eye. We have wrongs in our part of the country that we have to deal with; you have conditions in your part of the country that you have to deal with. For God's sake let us let each other alone. We will do the very best we can with the conditions with which we are beset. We are men of the same race and blood as yourselves; we will deal as best we can with the awful conditions that confront us in the Southern States. All we ask of you is not to make matters worse; all we ask of you is to let us alone.

Mr. President, I am not one of those who apologize for, or who attempt to condone or excuse many of the things that have occurred in my part of the country. I have sorrowed for them as much as any man in the United States. No man, I believe, of my humble position and capacity, has done more in the way of protest against lynchings than I have done. I have myself faced mobs; I have done everything that I could to prevent the lynching of negroes, or any other form of lawless violence in the Southern States. We are doing the very best we can on that question. You can not help us by denunciation upon the floor of this Senate. The very best thing you can do is to keep your mouths shut and let us alone.

Mr. President, there is only one view in which speeches of that character can be at all pertinent to the question that is now under consideration. What will Senators upon the other side of the Chamber prove for their cause in the Philippine Islands if they do succeed in proving every horror and every outrage they may allege with respect to the race question here in our own country? If you succeed in proving all the horrors that have been committed and all the crimes that have been perpetrated by reason of the contact of the Anglo-Saxon with the lower race, what does it prove for your policy in the Philippine Islands?

If Senators mean by bringing such things into this debate to justify their course and policy upon the argument that violence and bloodshed and cruelty are the inevitable result of a contact between the Anglo-Saxon and the lower races, it may be some excuse for a people who, without any purpose on their part; who, because of circumstances over which they had no control, have been forced into conflict and collision with a lower race; but it is no excuse whatever for those who would go 7,000 miles away to seek an opportunity for such a conflict with all the inevitable consequences that must ensue. If violence and tyranny and oppression are, as you seem to argue, the inevitable result of a contact between the Anglo-Saxon and the lower races, if that has been true in our own country, what do you expect when you go 7,000 miles away and attempt to establish your dominion over another lower and inferior race? What can you expect except constant tyranny and oppression, and the necessary result of war and insurrection, to be suppressed at the cost of the blood and treasure of the American people?

Mr. President, I shall not attempt at this time to make any extended reply to the remarks made by the junior Senator from Massachusetts [Mr. LOGER]. There were some things in the Senator's speech, however, which struck me somewhat strangely. I want to say, in passing, that upon one part of the Senator's speech, and that the part which he seems to consider the most vital and important in this debate, I must congratulate the Senator from Massachusetts. That was the part in which he convicted my friend [Mr. RAWLINS] of having said "Copernicus" when he should have said "Galileo." Here the triumph of the Senator

from Massachusetts was complete. How he towered above my poor crushed friend from Utah in high and scornful consciousness of his own superiority!

The Senator from Massachusetts may not be able to detect a flaw in an argument, he may not see a gap in a logical progress from premise to conclusion, but let a man be guilty of a slip of the tongue, let him fail in a matter of grammar or of pronunciation, and he need expect no mercy from the Senator from Massachusetts. Mr. President, if I believed, as the Senator from Massachusetts seems to believe, that this question of Copernicus and Galileo was the vital point in this discussion, I should abandon this debate right here, but I really think, it is my honest opinion, that we may concede the point as to Copernicus and Galileo and still have a good deal of argument left.

As to the rest of the Senator's speech, if he is proud of his effort in defense of the American Army, as he called it, I think he will enjoy that satisfaction in solitude and alone. The Senator says that we are attacking the honor of the American Army, and doing it for mere partisan purposes. If the Senator from Massachusetts really believes that, it is simply because any other than a low, a narrow, and a partisan purpose is something he can neither appreciate nor understand. I think there are some men on this side of the Chamber who are just as honest and just as honorable as the Senator from Massachusetts.

Assailing the American Army! Because we do not exactly believe that the orders of Smith for the butchery of children, for the extermination of a whole people—because we can not agree that that is exactly wise and just and humane we are assailing the honor of the American Army! My opinion is that the man who stands up in this high presence and seeks to find justification and excuse for such atrocious practices dishonors the American Army and he dishonors the American Senate.

The most effective part of the Senator's speech was that in which he demonstrated that Nero did some things that Smith had not yet done. Why, he told us the old story of Christians being burned in the imperial gardens of Rome, and said, "We have not done anything like that in the Philippines." What a defense, Mr. President! What a defense, and to what depths we have descended when a man will stand up here in the presence of the American Senate and contrast the action of our American officers with the infamies of Nero in order to prove that they are comparatively humane? We have not acted yet as badly as Nero, or we have not acted as badly as the Tartars did. There are some instances in history of cruelty and inhumanity worse even than that of Smith! That is the Senator's plea.

The Senator said that he could remember when Grant was termed "a butcher." He is a little older than I am, and he can remember some things that I can not remember, but the inference seems to be that the time will come when those who are calling Smith a butcher will be compelled to retract their accusations and when Smith, like Grant, will become the idol of the American people.

The Senator brought forth an array of atrocities perpetrated against our own soldiers and of which our soldiers were the victims. That, he seemed to think, excused and justified the atrocities of Smith. Why, he said, we must think how these American soldiers are driven to rage and fury by the tortures and the cruelties perpetrated upon their comrades.

Mr. President, the Senator is attempting to shift the responsibility from the commanders to the soldiers. It is not true that these atrocities have been due to rage or to lust for vengeance on the part of the American soldiers. I say, as I said the other day, that against their own will they have been driven to it by the orders of their commanding officers. Smith himself, in a signed article in the Manila Critic, spoke of the conditions existing in this very province of Samar, and referred to the kindly relations existing between the officers and the soldiers on the one hand and the natives upon the other and of absolute confidence in the natives on the part of officers and soldiers. Smith came upon the scene. He came there with a preconceived opinion, as he declared in his article, that all these natives were enemies; that they were harboring secret treachery in their hearts; and he said he found it difficult to convince the officers and the men that these natives were anything else than white-winged angels.

Mr. DOLLIVER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Iowa?

Mr. CARMACK. Certainly.

Mr. DOLLIVER. If I have the transaction correctly, the massacre at Balangiga was where the peaceful neighbors turned out with bolos and killed an entire command of the American Army, at least a month before General Smith came to the islands, and the order of General Chaffee had devastated every town on the south coast of the island of Samar long before the expedition of Major Waller was ordered to cross that island.

Mr. CARMACK. I am speaking from General Smith's own language as to what the condition was when he went there.

Senators would seem to argue that all the soldiers and all the subordinate officers were burning with hatred toward the natives and with lust for revenge. General Smith himself declares that he found it almost impossible to convince the officers and the soldiers that the Filipinos were not white-winged angels, and he said to them, "All these people are secret traitors; they are secretly supporting the insurgent government and the insurgent army; and we must give them a lesson by showing them that war is hell." That is what General Smith said.

Now, sir, as to the massacre at Balangiga, horrible as it was, it gives no excuse whatever for an order of death which comprehended a whole province, which devoted a whole people to absolute extermination. I have read a statement made by one of the survivors of that massacre, a man who was commended and promoted for his bravery in that very fight. He was awarded a medal of honor for his courage upon that occasion, and he said that weeks before that occurred the captain there in command had seized a large number of natives, had put them into practical slavery, had compelled them to work all day upon the roads, had kept them confined all night—90 of them in two little conical tents, barely sufficient to hold 16 men each—had not allowed them to go home to visit their families, and that they had to be supplied with food by their families bringing food to their tents.

He says that the whole mood and temper and disposition of the people in that little town changed from the time this practice was begun; that the people became sullen and morose, and that he and other soldiers became very apprehensive on account of it that the people would rise up against them. That went on for about six weeks. Finally these people, who had been reduced to and held in slavery, and their friends and neighbors did take advantage of an opportunity and did massacre the American soldiers.

Mr. President, there can be no justification for that massacre; but, at the same time, I say that the uprising of the people in a single town—not a mere act of treachery on the part of pretended friends—but the uprising of men reduced to slavery, executing vengeance, although in a barbarous and treacherous manner, on their oppressors, is no excuse whatever for this brutal and inhuman order of Smith, devoting a whole people to indiscriminate massacre and extermination, an order to kill every male human being above the age of 10, to make the country a howling wilderness, and thus to leave the others to perish from slow starvation. That, sir, is the order which Senators have the devilish impudence to stand up in the presence of the American Senate and seek to justify or excuse, and when other Senators say it is cruel and inhuman, they are denounced as slandering the American Army.

Mr. SPOONER. Mr. President, does the Senator really think "devilish impudence" is a very parliamentary phrase?

Mr. CARMACK. No, sir; and I withdraw it. It is not. I beg pardon for it. I should not have used it.

Why, Mr. President, the Senator has been able to bring a great array here of atrocities of which our soldiers were the victims. I have no doubt that there are many such acts, some of them perpetrated by Filipino insurgents, many of them perpetrated by mere robbers, Ladrones, and outlaws swarming over that distracted country, and General MacArthur tells us that we must not make the mistake of confusing the outrages perpetrated by these mere robbers and outlaws with the operations of the insurgents.

The War Department has been exceedingly diligent; it has gone over the whole country with a fine-tooth comb to find every single outrage of which an American soldier was the victim, and it has been equally diligent in trying to conceal every outrage perpetrated upon the people of the Philippine Islands. What more could you expect of a people like that, not as highly civilized as our own, not having developed the power of self-control, when they are driven to desperation, when they are making their last desperate battle for liberty—what could you expect of such a people, when driven to the last ditch, except a resort to cruelty against their more powerful oppressors, and what could you expect, sir, when there has been practically no effort to stop the perpetration of cruelties upon the Filipinos themselves?

Why, sir, we have here a statement from the War Department of court-martial proceedings against American soldiers and American officers in the Philippines. I went down the list. In one column was stated the charge, in another the finding, and in the third column the punishment fixed by the court-martial. Here was one of the charges: Hanging natives by the neck—torturing natives by hanging them by the neck; finding of the court, guilty; punishment, reprimand. That was an officer in the American Army. Another case, same charge—torturing natives by hanging them by the neck; finding of the court, guilty; punishment, reprimand. There was a multitude of cases of officers of the United States looting and encouraging their men to loot; firing into a populous town and looting; punishment, reprimand.

But finally they determined to make an example. They thought things were getting so bad that they would have to make an example of somebody, and one fellow was tried and convicted of

making assaults upon unarmed and helpless natives, and among them he assaulted a helpless Filipino girl, 14 years old, and they fined him \$60. What can you expect, when you make no effort to put an end to the infamous and criminal practices that may be resorted to by lawless men in the American Army, except the bloodiest retaliation on the part of the Filipinos?

Sir, it has been proved here again and again that it is the constant practice to subject natives to the water torture, and I notice there has been a disposition to make light of the water torture. Some papers have said that it is simply a rough form of hazing. The water torture in precisely the same form in which it is executed in the Philippine Islands was a recognized form of torture to extort confessions back in the Middle Ages. It was not an invention of the Filipinos. It was an invention of a higher civilization than theirs and was carried by civilization to the Philippine Islands. It is a horrible form of torture when carried to excess, and the only way the victim can keep it from being carried to excess is by confession—either confessing the truth or confessing a lie. It makes no difference to his persecutors. He must confess that he is guilty or that somebody else is guilty in order escape this horrible torture.

We have had proved before our committee numbers of cases where absolutely innocent people were tortured, not because they had done anything, or because they knew anything, but because it was supposed that they might know something. A number of them have been tortured until it was found by their agony and their failure to confess that they could not know anything or they would have confessed—not one case, not two cases, but many cases. They had a regular water-cure detail, whose business it was to torture natives wherever they could seize on anybody who might possibly have some information, not that they had reason to suspect that they had such information, not that they had any reason to suspect they were in sympathy with the insurgents, except on the theory laid down by Smith and Bell and Chaffee that every man in the Philippine Islands was supposed to be guilty of insurrection until he had proved himself to be innocent.

The Senator from Massachusetts [Mr. LODGE] grows eloquent in his appeal for the friendly natives. He says we should have some consideration for our Filipino friends. We on this side of the Chamber, he charges, are thinking all the time of the welfare of the hostile Filipino. He demands that we shall give some consideration to the friendly Filipino. How much consideration have they had from Chaffee, from Bell, or from Smith?

How much consideration did Smith show for the friendly natives when he told his soldiers to go forth and slaughter every human being who came in their path without stopping to ask a single question? "Do not stop; do not waste time to inquire whether these people are friendly or not. As soon as you see a male human being who looks like he might be as much as 10 years old, kill him, and take no prisoners." Consideration for the friendly Filipino! Chaffee and Bell both declare that there are no friendly Filipinos. They say you must proceed upon the presumption that they are all unfriendly, and you must deal with them as enemies unless in certain proscribed ways, usually impossible, they prove themselves friendly, and if they can not do that they are to be dealt with as enemies.

We had before our committee the case of a friendly guide, a man who had been absolutely faithful, according to the testimony of the witness, who had guided the American forces to a place where he had said there was a force of armed Filipinos. When they got there, the insurgent forces had vacated the town and left. Then they asked this guide where they had gone. He did not know. They threw him down, whipped him, and put him to the torture, and when he had nothing to confess they repeated the operation until finally the commander saw that the man was honest, that he had told all he knew, and then they let him alone. There was a friend. But they thought perhaps he knew something which he had not divulged.

How many friends will you leave in the Philippine Islands by this policy you are pursuing? It may be, sir, as Chaffee and Smith and Bell all testify, that there are no people in the Philippine Islands who are friendly to the United States; but there might have been if it had not been for Chaffee and Smith and Bell. Their brutal and inhuman conduct has destroyed the last vestige of friendship and loyalty there ever was in the breast of a single Filipino.

Mr. DOLLIVER. Does the Senator from Tennessee mean to say that General Chaffee has given any such testimony, except as to a single hostile province, where General Bell's brigade was stationed?

Mr. CARMACK. Yes; I do, most emphatically. I say his statement comprehended the whole islands, the entire archipelago. "These islands" was his statement.

Mr. DOLLIVER. Will the Senator be kind enough to cite it?

Mr. CARMACK. I will bring it to the Senator. I did not expect to go so far in this discussion to-day when I started, but I can bring it here. It has been quoted, though, in this debate.

I think my friend the Senator from Utah quoted it. "The whole people"—that was his expression. That was the form of words he used. It was with reference to all the people in the islands. "The whole people" turning war traitors was one of his expressions.

There are the conditions. Senators say we are assailing the American Army. Mr. President, as I have said, the commands of these officers show that in their opinion the feeling of the common soldiers toward the Filipinos was too kindly; they were being driven on to perpetrate these outrages, and the soldiers who have been before our committee did not show any such feeling as that spoken of by the Senator from Massachusetts.

The Senator said, and he seemed to lay a great deal of stress upon it, that we have not proved any outrage in the Philippine Islands less than a year old. In the name of God, how can we do it? How can we prove what is going on now in the Philippine Islands, when we are not allowed, under the rule of the committee, to bring a single witness from the Philippine Islands?

Mr. RAWLINS. If the Senator will permit me, I will read the language of General Chaffee. It is in a letter dated—

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September 30, 1901.

MY DEAR GENERAL HUGHES: I inclose to you a copy of the indorsement made by me on your letter of September 10, in which you refer to discharges from the First and Ninth Infantry.

At the bottom of page 1591 General Chaffee used this language—

Mr. DOLLIVER. What page?

Mr. RAWLINS. Page 1591 of the committee hearings.

The condition of mind of officers and men in these islands is largely in error, and they must be given to understand that they are in error; by which I mean their opinion is that the people are far more friendly than they really are, and that they are satisfied with our presence among them. In a considerable sense this may be true: women and children are probably friendly toward us, but as a rule I would not trust 50 per cent of the male population, and they must not be trusted. It is our duty to suspicion every male inhabitant in these islands, and the proof of any error in this regard must rest with them, not so much in words as by action which can not be misunderstood.

Mr. DOLLIVER. If the Senator will permit me, that was addressed to the military commander in the remaining disturbed districts of the islands, and it falls very far short, even supposing it to apply to all the islands, of the statement of the Senator that General Chaffee said we had not a friend in the islands, for he says that the women and children are friendly; and in a domestic population such as has been described there that would indicate at least a degree of toleration on the part of the male inhabitants.

Mr. CARMACK. He says that perhaps 50 per cent are friendly; that they must be treated as enemies whether friendly or not. That is his statement. That while perhaps half of them are friendly, it is your duty to regard everybody as an enemy and force him to prove his loyalty. That is what Bell said. That is what Smith said. He has to prove by actions, and by certain specified actions, that he is friendly, and if he can not prove it he must be treated and dealt with as an enemy.

Mr. BEVERIDGE. Mr. President—

THE PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Tennessee yield to the Senator from Indiana?

Mr. CARMACK. Certainly.

Mr. BEVERIDGE. I am certain the Senator does not mean to misinterpret General Chaffee's meaning. General Chaffee, in the letter from which the Senator has quoted, explains his purpose, reason, and meaning in saying that everyone is to be suspected. He goes on and says it is for the purpose of vigilance:

I hope you will take measures to arouse the officers and men to a sense of their responsibility and the fact of extreme vigilance. They can be vigilant without giving offense, and this is what I mean.

That is all there is in the injunction to suspicion—merely that extreme vigilance should be exercised, and it is followed with the express injunction to be vigilant without giving offense.

Mr. RAWLINS. Will the Senator from Tennessee permit me?

Mr. CARMACK. I yield to my friend.

Mr. RAWLINS. I will read further, in order that General Chaffee's meaning may be correctly interpreted, this language in the same instructions to General Hughes:

While I do not urge inhuman treatment of any person in these islands, it is necessary that we be stern and inflexible, and both officers and men must be cordially supported in their duty in this regard. There is one thing necessary, and that is the wholesome fear by these people of the Army, and that every hostile motion of any inhabitant toward the troops will be quickly and severely punished. This does not interfere at all with our cordial support of the civil authority in these islands; on the contrary, it is the very best aid that we can afford for the establishment of civil government.

I have all the time thought that we do not appreciate the fact that we are dealing with a class of people whose character is deceitful, who are absolutely hostile to the white race, and who regard life as of little value, and, finally, who will not submit to our control until absolutely defeated and whipped into such a condition. It is to our interest to disarm these people and to keep them disarmed, and any means to that end is advisable. It will probably cost us a hundred lives to get back the guns lost at Balangiga.

Mr. FORAKER. Will the Senator from Tennessee allow me?

Mr. CARMACK. Certainly.

Mr. FORAKER. Mr. President, I think it is due to the truth

that another fact should be noted in this connection, and that is that this letter which has been under consideration was written two days after the disaster at Balangiga, and it had reference to that disaster, a disaster which the Senator himself, a few moments ago, described as the result of treachery, a massacre that was absolutely indefensible. It was evidently—and on the face of this letter it so appears—the purpose of General Chaffee to charge his subordinates to be more vigilant, to the end that the lives of American soldiers might be protected and that there might be no more surprises. In that behalf the letter commends to them the idea of regarding everybody with distrust, in view of the character of the people with whom they had to deal, and to do that, however, without giving offense any further than was necessary.

Mr. CARMACK. That has reference to the very point I am making. The Senator from Massachusetts was appealing to us in the most eloquent terms to look after the interests of the friendly natives in the Philippine Islands, and here are the orders of our generals—and that was the order, likewise, of Bell, as it was of Smith, long before this atrocious order was given—to regard all the people there as enemies.

Chaffee did not speak simply of Samar; he did not speak simply of certain provinces, but of all—of the whole islands, of all the people—who were to be regarded as enemies of American sovereignty, and Smith and Bell proceeded upon that assumption. Senators talk about looking after the interests and protecting the welfare and preserving the lives of friendly natives, and yet an officer, a general in the American Army, issues a general order to kill everybody, to make the whole country a howling wilderness, to kill every man and child as you come to him, without pausing to ask a single question. How much consideration was there in that for the friendly natives? How much consideration for the friendly natives when you seize upon a man without any knowledge whatever of his antecedents, just upon the supposition that he may possess some information, and subject him to medieval tortures in order to extract information that he does not possess?

The plain truth of the matter is that you have been conducting an indiscriminate warfare against a whole people, without seeking to make any distinction whatever between combatants and noncombatants, between friends and foes, a war which has been conducted upon the principle of destroying the fighting force of the people by the extermination of all who are able to bear arms, whether they are bearing arms or not, whether they are enemies or not, whether they are hostile to the American people or not. If they are old enough to bear arms, if they are 10 years old, kill them as soon as you see them, without asking a single question.

That is what Senators upon the other side of the Chamber seek to justify and excuse, and when we denounce it, when we say it is inhuman and brutal, they say we are assailing the honor of the American Republic. I repeat, the man who stands here to excuse it is assailing the honor of the American nation and the American Senate.

Mr. FORAKER. Mr. President—

THE PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Ohio?

Mr. CARMACK. With pleasure.

Mr. FORAKER. I dislike exceedingly to interrupt the Senator, but he has said not only once but repeatedly that Senators on the Republican side of the Chamber have been seeking to justify the order to which he refers as an order given by General Smith. I have not participated in the debate, and so I know he could not have referred to me.

Mr. CARMACK. Of course not.

Mr. FORAKER. But I have been present and have listened to the speeches delivered by Senators on this side of the Chamber, and I have not heard any Senator seek to justify any such order, if it shall prove that such an order has been given. On the contrary, I have heard every Senator who has spoken on this side say explicitly that he did not justify or excuse any such order, and particularly did the Senator from Massachusetts make that statement in the course of his remarks a few days ago.

What the Senator from Massachusetts undertook to do and what other Senators have undertaken to do has been simply to show that this is not the first time in the conduct of war that barbarities have been perpetrated.

Mr. CARMACK. Mr. President—

Mr. FORAKER. I know I am trespassing unduly.

Mr. CARMACK. I am not trying to interrupt the Senator. I merely wish to ask him a question.

Mr. FORAKER. Certainly.

Mr. CARMACK. I should like to know of the Senator what good it does to show that like or worse barbarities have been perpetrated at other times? What good does it do to show what Nero did?

Mr. FORAKER. I do not know which Senator showed what Nero did.

Mr. CARMACK. The Senator from Massachusetts.

Mr. FORAKER. And I do not know just what was the application of the Senator who showed what Nero did of that fact. But Senators, in the latitude which we take here in debate, have been simply, in that connection, undertaking to point out what human nature is—what you may expect when the passions are aroused by war—and they have undertaken to point out that while such an order as General Smith is alleged to have given is utterly indefensible and not to be justified by anybody, we should bear in mind that there may be extenuating circumstances under which such an order may have been given or on account of which barbarities which have been pointed out may have been committed.

Mr. CARMACK. There were and can be no extenuating circumstances whatever for the massacre of a whole people, including little children.

Mr. FORAKER. Will the Senator allow me for just a moment? I dislike to interrupt the Senator and to inject into his speech what he may not want to have there, but if he will allow me to interrupt him to the extent of a very few minutes, I will point out that not only is this not the first time when barbarities have been practiced, but that it is not the first time when speeches such as that which was made by the Senator from Massachusetts have been made on account of them. I do not know whether or not the Senator is familiar with what is known as the Chivington massacre.

Mr. CARMACK. I am not.

Mr. FORAKER. But the junior Senator from Colorado is very familiar with it, and if I do not state it correctly I will thank him to correct me.

Some time during the sixties, I believe it was, in the State of Colorado, to repel the Indians who were attacking the frontier, a regiment of volunteers was raised. The commander was a Colonel Chivington. He pursued the Indians. He fought them and he massacred them. The story of that massacre is one of the most revolting that can be found anywhere. He massacred men, women, and children. The story is not only revolting, but it is almost incredible, such were the brutalities practiced. Not only were men, women, and children killed, but they were mutilated after they were killed. They were disfigured in every possible manner.

Mr. CARMACK. By American soldiers?

Mr. FORAKER. Every shocking brutality that was possible was committed.

Mr. CARMACK. By whom? By American soldiers?

Mr. FORAKER. By these volunteers under the command of Colonel Chivington.

Mr. CARMACK. Was he an officer in the Regular Army?

Mr. FORAKER. No; he was a volunteer officer called to the command of these Colorado Volunteers.

Mr. PATTERSON. Will the Senator from Tennessee permit me?

Mr. CARMACK. Certainly.

Mr. PATTERSON. I do not desire to take the time out of the time to be occupied by the Senator from Tennessee to enter into a discussion of what is known as the battle of Sand Creek. Perhaps as the discussion progresses I may have occasion to refer to it and to show the marked difference between anything that occurred there and the things which are occurring in the Philippine Islands.

Mr. FORAKER. What I want to do is to call attention to the fact that here was a massacre, here was a barbarity, and then there came a speech on account of it, and I desire to show that the speech made on account of it by the junior Senator from Colorado [Mr. PATTERSON] was not in that respect unlike the speech made by the Senator from Massachusetts.

Mr. CARMACK. I should like to know how long the speech is before the Senator reads it.

Mr. FORAKER. That is a very legitimate inquiry under the circumstances, but I will say to the Senator from Tennessee that I wish to read only one paragraph, and that a very short one.

In the course of his remarks the Senator from Colorado, then a member of the House, used this language:

But I simply ask these men who have been filling this House for days past with stories of atrocities of whites to the Indians to recollect that which produced the state of mind and prompted the brave men of the West for a single moment to forget what was due to the weak and the helpless of any class of people, Indians, blacks, or whites, and become almost fiends themselves. There is palliation for it, there is excuse for it, but to the cause, the direct cause of it, if the cause ever be placed where it belongs, was the inefficiency of the bureau and the men who had control and charge of the Indians of that day and who failed to do their duty by the white men and white women and white children of the frontier.

Mr. HOAR. Will the Senator kindly give the volume and page from which he reads?

Mr. FORAKER. I am reading from volume 4, part 3, Forty-fourth Congress, first session, page 2635. That was in 1876.

Mr. SPOONER. I should like to ask the Senator from whose speech he read?

Mr. FORAKER. I have read from the speech of Mr. PATTERSON, who I understand is the junior Senator from Colorado. He was then a member of the House of Representatives.

Mr. SPOONER. I did not understand that.

Mr. PATTERSON. I am pleased to say that that was my speech. There is no mystery about it.

Mr. FORAKER. I do not cite it for the purpose of criticising the Senator from Colorado at all. I think it is a very natural speech under the circumstances; I think it was a very justifiable speech under the circumstances; but I think if his speech was a proper speech under the circumstances, so, too, was the speech of the junior Senator from Massachusetts an entirely proper speech under the circumstances. I only cited it to show the similarity of thought and of speech.

Mr. PATTERSON. Will the Senator from Tennessee permit me one moment?

Mr. CARMACK. Certainly.

Mr. PATTERSON. The battle of Sand Creek followed the perpetration of the most inhuman atrocities upon men, women, and children by Indians upon the war path. Stages were stopped, men, women, and children were killed and mutilated. The wives of citizens of Denver were brought from the plains to their homes giving evidences of the most horrible atrocities that wild and inhuman men can perpetrate upon women. The Indians attacked the whites; they went where the whites were living, and where, I believe, it is conceded the white people had the right to be. They were there building up a State in the American Union, making laws and observing all the demands which could be made upon people by humanity and religion, when suddenly, without warning, the Indians broke out and committed these atrocities. We have gone with our ships and our soldiers and our cannon and our guns 8,000 miles away for the purpose of shooting an unwilling people into submission to a government that they have no cause to like and in which they are permitted no voice.

Mr. CARMACK. The Senator from Ohio began his interruption by the statement that no Senator upon that side of the Chamber had undertaken to excuse or justify the bloody orders of General Smith. Before he concluded he began himself to find excuses and justification in the butchery of a band of Indians, including women and children. There could have been no object whatever in the Senator's reading that statement to the Senate unless he had expected it to operate to some extent at least as an excuse and a justification for what General Smith is doing or has ordered his men to do in the Philippine Islands.

Mr. FORAKER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield?

Mr. CARMACK. Certainly.

Mr. FORAKER. I rose simply to inquire of the Senator if by his statement that Senators have been excusing and justifying this order he means only that which he now explains; that is, you have reference simply to the fact that the Senator from Massachusetts pointed out that there had been barbarities in connection with other wars, and as the Senator from Colorado pointed out the circumstances in connection with them?

Mr. CARMACK. I mean that, so far as the Senator from Massachusetts is concerned, the whole tenor of his speech was a labored piece of special pleading to excuse—I probably used too strong a word when I said justified—I should not have said that, but the whole tenor of his argument was a labored piece of special pleading to find excuse and palliation for the bloody and infamous and inhuman orders of General Smith. The Senator himself suggests that there may be mitigating circumstances for the issuance of a wholesale death warrant against a whole people without stopping to make any discrimination whatever between friend and foe.

The Senator says there may be extenuating circumstances. Mr. President, there can be no extenuating circumstances. The Senator from Massachusetts in the whole course of his speech not only was unable to suggest a single circumstance that mitigated or extenuated in the least degree this inhuman order, but he failed to suggest a single reason why this man Smith ought not to be hanged as a common murderer. He is not quite as bad as Nero was. That is the plea of the Senator from Massachusetts. He has not yet dipped men in pitch and lifted them up on poles to be burned alive. Smith has not done that. That is the defense of the Senator from Massachusetts. He has not lit the tar candles yet. He has done nothing but butcher in cold blood a whole people, including little children, leaving the women and the babes at the breast to starve to death in the land which he had made a howling wilderness.

That is the only defense the champions of Butcher Smith have been able to make on the floor of the United States Senate, and a man who says anything against Smith is dishonoring the American Army. Why do you not say that he is attacking the whole Smith family? Smith is not the American Army; Bell is not the

American Army; Chaffee is not the American Army, neither is Root the American Army. So far as I am concerned, I do not intend to be deterred by any slanderous imputation upon the motive of Democratic Senators from expressing my opinion of any of the brutal and inhuman wretches who have been perpetrating these atrocities in the Philippine Islands.

The Senator from Ohio says that it is just what is to be expected. Well, Mr. President, you knew what was to be expected when you went to the Philippine Islands.

Mr. FORAKER. Mr. President, I do not know that I understood the Senator or not, but I did not make any such statement as I understood him to impute to me just now. I understood the Senator from Tennessee to say that I had stated a moment ago—I suppose he meant—

Mr. CARMACK. Yes, sir.

Mr. FORAKER. That what is occurring is just what was to be expected. I did not make any such statement as that.

Mr. CARMACK. I understood the Senator from Ohio to say not that the order of Smith was what was to be expected, but that this kind of warfare going on in the Philippine Islands is just what was to be expected.

Mr. FORAKER. Mr. President, the Senator is mistaken about that.

Mr. CARMACK. Well, I shall be glad to be corrected.

Mr. FORAKER. When he comes to look at the RECORD he will find that I did not say any such thing as that. I made no such remark. I have never made any such remark at all. I was talking about the speech made by the Senator from Massachusetts, and referred to the facts stated by him that in connection with wars there had been barbarities heretofore, but I made no remark as to what had occurred in the Philippines or as to what we might have expected.

Mr. CARMACK. The remark of the Senator I took down on this paper as he was speaking. After speaking of these barbarities, he said, "What can you expect?"

Mr. FORAKER. The Senator is entirely mistaken. I did not say any such thing. If I did, I have no recollection of it.

Mr. CARMACK. I thought the Senator said that. I do not mean to do him any injustice.

Mr. FORAKER. I am told by Senators who sit near and who could have heard, that I made no such remark, and I do not know why I should have made it.

Mr. CARMACK. I took a pencil and tried to take the words as they fell from his lips; but of course I suppose that the Senator did not mean it, and I accept his disclaimer.

Mr. FORAKER. I wish to say one thing more, that I did not say it and would not say it. There are some things which have happened that I did not expect.

Mr. CARMACK. The Senator would not have been very far wrong if he had said it.

Mr. FORAKER. It is possible that the Senator from Tennessee expected it.

Mr. CARMACK. I did.

Mr. FORAKER. I did not.

Mr. CARMACK. In my place on the floor of the House of Representatives I declared that just such things would happen, and I referred to the atrocities which had been perpetrated by the English army in their wars against other races. Mr. President, we might as well admit that the Anglo-Saxon race, when it comes to deal with a desperate situation, becomes as utterly remorseless as any people in the world, and especially in their wars with inferior races.

The Anglo-Saxon is the proudest and most insolent race on the face of the earth, and when it comes to deal in war with a lower and an inferior race it can be as cruel and as merciless as any race in the world. That has been shown in the history of England's conquests. All history can hardly afford a parallel for the bloody and inhuman butcheries perpetrated by the English army after the battle of Omdurman, when English soldiers under the command of their officers walked over the field deliberately bayoneting and shooting the wounded, and when they turned volleys of musketry and of grapeshot into the narrow, crowded streets thronged with women and children and mowed them down by the hundreds.

I say when the people of our race come to deal with a desperate situation, and especially when they are dealing with a lower and inferior race, they become as remorseless and as merciless as any people in the world. Our officers in the Philippine Islands have been dealing with a desperate situation. They have found a whole people saturated, permeated with intense hostility to American rule. Wherever they have gone they have met it on every side. They have been driven to desperation and despair. In their fury, in their desire for success, they have adopted what they thought was the only means that would accomplish their purpose, and that has been the utmost cruelty, torture, and in the last

resort, the extermination of a whole people, the killing of every human being able to bear arms, whether he was bearing arms or not.

Mr. President, every student of history, every student of our race and of the oriental races, knew what would happen when we entered the Philippine Islands under the circumstances in which we entered them, having gone there first as the friends and allies of the Filipinos, knowing that they were fighting for independence, having held out to them the hope of independence, causing them to believe that we were there to help them to achieve their independence. When we turned around and demanded of that people that they should lay down their arms and surrender their every hope of freedom, make themselves abject subjects of our sovereignty and dominion, I say every man of any sense in the United States knew that we were entering upon a bloody and remorseless and devastating war. You knew that when you began it. When you entered upon this task you knew that it meant bloodshed and desolation and ruin to the people who but lately had been your allies and your brothers in arms.

No, Mr. President, the facts alleged by Senators when they tell of the terrible hatred, the terrible cruelty which the Filipinos have exercised, and the remorseless retaliations, as they choose to describe them, which have been perpetrated upon them, although we have slaughtered people and tortured people who have committed no wrong, show that we are entering upon a task that means a century, perhaps three centuries, of constant bloodshed, of war, and of insurrection, that means the shedding of God only knows how much American and Filipino blood and of how much treasure to be wrung from the American people, and all, as I have said before, for no other purpose except that a few carpetbag thieves may have unlimited license to plunder the people of the Philippine Islands. That is what we are asked to do. We are asked to assume all that burden, we are asked to foot the bill, we are asked to tolerate murder and massacre and torture for no other purpose except that a few carpetbaggers may have the opportunity to rob the people of the Philippines as they used to rob the people of the Southern States.

That, sir, is the only question that is presented to the American people. Honor, honor of the flag—

Mr. FORAKER. Mr. President—

Mr. CARMACK. Mr. President, the honor of this nation, the honor of the flag, demands that the American nation shall stand true to its principles and that the American flag shall be planted forever upon the American Constitution.

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Ohio?

Mr. CARMACK. Certainly.

Mr. FORAKER. Will the Senator allow me to ask him whether or not he thinks it was the purpose of President McKinley, in doing what he did to secure the annexation of the Philippines, to provide a theater for scoundrelism, for exploitation, a place for a lot of scoundrels who would go there as carpetbaggers?

Mr. CARMACK. I did not understand the Senator's question.

Mr. FORAKER. I ask the Senator if he thinks it was the purpose of President McKinley, in recommending the annexation of the Philippines, to provide this country with a theater of scoundrelism, a place where carpetbaggers could go and exploit and practice bad methods? Was it the purpose of the Senate of the United States, when we ratified the treaty, to acquire a place for the exploitation of carpetbaggers, and was it the purpose of the commissioners who represented this country in the negotiations of the treaty under which we acquired the Philippines to secure a theater for scoundrelism and carpetbagism?

Mr. CARMACK. Is the Senator through with his question?

Mr. FORAKER. I understood the Senator to say that that was the only purpose we had in connection with the Philippines. Now, I want to know where that purpose originated? Whose purpose is it?

Mr. CARMACK. I shall not attempt to trace that purpose back to its origin. I am speaking of the purpose as it exists to-day in the United States. President McKinley's motive, as he asserted it, was benevolent assimilation. The motive of those who now control the Republican party is malevolent dissimulation. [Laughter.]

Mr. FORAKER. Mr. President, I appreciate the humor of that remark, but I do not want to prolong the colloquy.

Mr. CARMACK. The Senator, I have no doubt, feels the truth of it.

Mr. FORAKER. I do not want to prolong the colloquy. It might provoke another sally of that kind at my expense. But I ask the question in all seriousness. The Senator makes a very extraordinary statement, to characterize it as mildly as I can, when he says there is no purpose on the part of this Administration with respect to the Philippines, confining it as he now seems to the present Administration, except only to provide a theater

for carpetbagism, for exploitation. Where did that purpose originate? Whose purpose was it? Who is carrying it out? Are Governor Taft and his associates over there for that purpose? Are all our representatives in the islands there to promote that kind of an idea? I simply want to get the measure of the charge the Senator makes.

Mr. CARMACK. Mr. President, as I have said to the Senator, it will be a little difficult to trace the purpose back to its origin. Of course, every movement of this sort is somewhat complicated. There are some honest fanatics always engaged in every fool movement and every dishonest movement. There are always some honest, misguided fanatics mixed up in it, and also some men with most benevolent intentions. But I will say to the Senator that the very first movement I remember with respect to the seizure of the Philippine Islands appeared in a telegram that went from the Navy Department to Admiral Dewey asking which one of those islands was the best one for us to take, from a naval and commercial point of view.

Mr. BACON. If the Senator will pardon me a moment, in order that that may be stated with accuracy, it was a telegram signed by the Acting Secretary of the Navy to Admiral Dewey, in which he stated that he made the inquiry by direction of the President.

Mr. FORAKER. Can the Senator give us the date of that?

Mr. BACON. I can.

Mr. FORAKER. What is the date?

Mr. RAWLINS. August 13.

Mr. FORAKER. August 13, 1898?

Mr. RAWLINS. Yes, sir.

Mr. FORAKER. Then will the Senator allow me to ask, Does he include the Democratic Senators who voted for the ratification of the treaty subsequently?

Mr. CARMACK. Oh, no.

Mr. FORAKER. And without whose votes the treaty could not have been ratified?

Mr. CARMACK. Why, of course—

Mr. FORAKER. Does he include William J. Bryan?

Mr. CARMACK. Yes, sir. They made their little mistakes. It was an honest mistake, as far as they were concerned.

Mr. SPOONER. They were the honest fanatics?

Mr. CARMACK. They were the honest fanatics; that is right.

Mr. FORAKER. Mr. President, I will ask the Senator, if this is a mistake, as he characterizes it, they should at least bear their share of the burden, should they not?

Mr. CARMACK. They ought; that is right; they are doing it, too. They are bearing it. I heard one of the Senators say the other day, who voted for the ratification of the treaty, that he had been wearing sackcloth and ashes ever since, and that he regarded it as the mistake of his life.

Mr. President, there were men who voted for the ratification of that treaty who, like my friend from Wisconsin [Mr. SPOONER], never intended that the Philippine Islands should be permanently annexed to the United States. There were men on that side of the Chamber and men on this side of the Chamber who voted to ratify the treaty, but who were earnestly opposed to the retention of the Philippine Islands under the sovereignty of the United States. Two men of that sort were William J. Bryan and the Senator from Wisconsin.

Mr. PATTERSON. And the Senator from Ohio also, I believe.

Mr. FORAKER. Mr. President, I omitted to ask the Senator, when I was on my feet a moment ago, a question that I wanted to get an answer to in that connection, or as near to it as possible. The telegram that was sent by the Navy Department, as I understand, was sent on the 13th day of August, 1898, and it was in the nature of an inquiry as to which of the islands it would be best for us to retain, having in view a naval station and commercial purposes. The inquiry I wanted to make is whether or not that is the first time we heard of commercial purposes in connection with the annexation?

Mr. CARMACK. From the Government of the United States, I think it was.

Mr. FORAKER. I mean the first time the Senator ever heard of it?

Mr. CARMACK. Oh, no.

Mr. FORAKER. I understood him to say that was the first time he heard of it.

Mr. CARMACK. Oh, no; I said from the Government of the United States.

Mr. RAWLINS. Will the Senator from Tennessee yield to me?

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Utah?

Mr. CARMACK. Certainly.

Mr. RAWLINS. I simply want to say that that is not the whole of that cablegram. It inquired about the best one of the

islands, if only one was retained. It also inquired how valuable those islands would be if held as colonies of the United States.

Mr. CARMACK. That is the language, Mr. President. Now, I say that at that time, if that dispatch is to be taken as evidence, the only idea in the mind of the Administration was, How much profit can we make out of the Philippine Islands? That question did not indicate any concern whatever for the welfare of the Filipinos. It indicated a purpose on the part of the Administration undoubtedly to take the very best island we could pick out and turn all the others back to the bloody and remorseless rule of Spain. That seemed at that time to be the idea that was in the mind of the Administration. The question did not make a suggestion that had the remotest bearing upon the welfare of the Filipinos or upon their desires or their wishes. Pick out the richest island there, the best island there from a naval and commercial point of view, and we will take that, whichever one it may be, and leave all the others to the bloody and remorseless rule of Spain.

I say that was the idea at that time, and it seemed to be the only idea in the mind of the Administration with reference to the Philippine Islands—simply the spoils of war. Admiral Dewey, in his answer, showed that there were a number of islands that he thought would furnish valuable coaling stations and things of that sort. Then the idea seemed to grow that we had better take the whole thing. The idea of "benevolent assimilation" did not exist at all in the inception of this business; it never had entered into the mind of anybody connected with the Administration that we were concerned as to the welfare of the Filipinos.

So far as President McKinley is concerned, Mr. President, I do say that if he had lived and could have controlled—as he could not have done—if he had lived and could have controlled the action of this Government in the Philippine Islands, that action would have been benevolent. I do not believe that he ever had any other but a kindly feeling toward anybody in the world. I believe he always tried to be regardless of the welfare of the Filipinos; but, Mr. President, it is simply impossible for a Government like that of the United States to rule a people of a different and an alien race 7,000 miles away and to rule them on benevolent principles.

President Roosevelt, in his able address on "The Strenuous Life," held up England's rule in India as an example of what we can do in the Philippine Islands, and the great blessing that it will be both to us and to the Filipinos.

Mr. President, with the possible exception of Ireland, there is not a worse governed and a more cruelly misgoverned people on the face of God's green earth than the people of India. I will not go into a discussion of that to-day, but at some future time, some time in the course of this debate, I hope to take that question up and to show that India is an absolute burden and a curse to Great Britain and that Great Britain is an absolute curse to the people of India. England derives no profit whatever from the possession of India, and England's rule of India is an absolute and utter curse to the people of that country. So our rule will be of the people of the Philippine Islands. It is simply a natural impossibility to send over a lot of carpetbaggers to islands 7,000 miles away from any sense of responsibility, beyond the eye and the reach of their Government, and expect to have honest government under such circumstances and conditions, to expect to have any other kind of government than the kind of government that will cause insurrection and war and bloodshed again and again.

Mr. President, you are not going to pacify the people of the Philippine Islands. The pacified Filipinos are those who have been laid beneath the sod of the Philippine Islands. The pacified Filipino is the dead Filipino. Every one that is left alive will live with a memory of the horrors of this war, will have an inextinguishable hatred of the American people, and will transmit that hatred to his children and his children's children for generations yet to be born. We are simply taking to ourselves and will transmit to our children a legacy of war, of strife, of bloodshed, of tyranny, and of cruelty that will be a burden and cause shame and dishonor to the American Government and to the American people.

Mr. DOLLIVER. Mr. President, I may as well confess, before I proceed, that I have deplored more deeply than any other thing that has occurred during my service in either House the tone and character, not to speak of the purpose, of this debate. I have indulged the hope of seeing our people in a frame of mind to discuss the problem with which we have to do in the Philippine Islands in a spirit of generosity and with that mutual concession of honest purposes to each other that is essential to any good result in great affairs.

I had the good fortune to hear the speech which the Senator from Tennessee [Mr. CARMACK] made this afternoon before either

of us had left the House of Representatives [laughter], and I congratulate my honorable friend—

Mr. CARMACK. If the Senator will permit me, I have had the honor to hear the speech the Senator is now going to make, before either of us left the House of Representatives. [Laughter.]

Mr. DOLLIVER. Mr. President, I will stand in the main aisle and if what my friend says turns out to be true I will admit that I have been a little adventurous in introducing the subject.

The first thing I wish to speak about in connection with my friend's speech is the fact that, without his intending it, it contains an almost continuous departure from accuracy and from truth. Anybody who listened to it would suppose that as a rule those of our officers and men in the Philippine Islands who have been tried by court-martial have been discharged, after having been found guilty of infamous offenses, with a reprimand. He said that a man convicted of an outrage against a defenseless woman had been convicted and reprimanded. I will leave it—

Mr. McLAURIN of Mississippi. The Senator from Tennessee [Mr. CARMACK] is not now in the Chamber.

Mr. DOLLIVER. It is not my fault that he is not in the Chamber. I am only indirectly concerned about his departure.

Mr. McLAURIN of Mississippi. Will the Senator allow me to state that in that instance the Senator from Tennessee said that the soldier had been convicted and fined \$50?

Mr. DOLLIVER. Very well; that is almost as bad. But did not the Senator from Tennessee leave the impression upon the mind of my honorable friend from Mississippi that the usual record of these convictions and sentences was a mere reprimand? Now, I hold in my hand a report—I did not have the honor of hearing the testimony before the Philippine Committee—I have here what appears to be the official statement of every court-martial that has been held of men connected with our Army in the Philippine Islands, and I will challenge the Senator from Tennessee to find a case of a single reprimand in all that long list, with possibly one exception. I am told there is one, but this matter being in very fine print, my eye fails to catch it.

I find here case after case which indicates not negligence of duty on the part of the court-martial, but what seems to me to be almost an absurd severity.

Mr. RAWLINS. Will the Senator allow me to ask from what he is reading?

Mr. DOLLIVER. I am reading from the letter of the Secretary of War to the Philippine Committee of May 5.

Mr. RAWLINS. Mr. President, in order that the Senator may not be in error as to the document to which the Senator from Tennessee referred, I will say that it is a document of an earlier date than that.

Mr. DOLLIVER. I have not at hand the document to which the Senator from Tennessee refers. In fact, I think he did not aid us by referring to a document at all. I have the official report, which purports to give a list of 350 officers and enlisted men in the United States Army who have been tried by court-martial for offenses against natives in the Philippine Islands.

Mr. CARMACK. Mr. President, I cited two cases in the document which I had. I do not know what document the Senator has. That was a document that was presented here, and I think has been before referred to in this debate, in which two men—two different cases, and the Senator from Utah [Mr. RAWLINS] I know referred to them in his address—were charged with torture to natives by hanging them by the neck. The finding was guilty, and the punishment was a reprimand in two different cases.

Mr. DOLLIVER. No such case appears to occur in this document.

Mr. CARMACK. I do not know what occurs there, and I do not care.

Mr. DOLLIVER. I wish to illustrate the rigorous character of the courts-martial. I find here as one of many the case of Frank McDonald, of Company L, Twenty-first Infantry. The charge was larceny of \$107 Mexican money. He seems to have been convicted and sent up for three years.

Mr. CARMACK. From whom did he steal it?

Mr. DOLLIVER. From a native.

Mr. CARMACK. I do not believe that.

Mr. DOLLIVER. Now, let me give you another case.

Mr. LODGE. These trials are all for offenses against the natives.

Mr. DOLLIVER. Here is the case of a soldier in the Fourth Infantry who was tried for the larceny of one dozen bananas from a native in May, 1899. The record states: "Discharged from Army dishonorably, but remitted. Forfeited his pay; but remitted all except \$30," and sent up for three months.

Mr. RAWLINS. If the Senator from Iowa will permit me, the Senator from Tennessee alluded to two cases in regard to a reprimand, and I have them here. They will be found on page 42 of the document furnished by the War Department. I will read the two cases to which the Senator from Tennessee referred, and one other.

Memorandum showing trials of officers, enlisted men, and camp followers for offenses of cruelty against natives in the Philippines and for violations of the laws of war.

Name and rank.	Date.	Offense.	Sentence.
Second Lieut. Francis J. Ellison, Thirtieth Volunteer Infantry.	Feb. 4, 1900	Looting and encouraging same.	Reprimand.
Capt. Geo. W. Brandle, Twenty-seventh Volunteer Infantry.	May 26, 1900	Torture, by causing natives to be hung by neck for 10 seconds.	Do.
Second Lieut. Alvin S. Perkins, Twenty-seventh Volunteer Infantry.do.....do.....	Do.

Mr. DOLLIVER. What is the date of that document?

Mr. RAWLINS. The document is furnished by the War Department. I will give the Senator the date in a moment.

Mr. DOLLIVER. That is not material.

Mr. RAWLINS. It is contained in a letter of the Secretary of War of February 17, 1902.

Mr. DOLLIVER. I have here the compilation of May 5, including, I suppose, all the courts-martial held in the Philippines up to that time, and I venture to say that a better showing of inflexible severity and discipline could not be possibly exhibited by the Army in the punishment especially of offenses heinous in character, such as the Senator from Tennessee alluded to. I find here more than once the infliction of punishment of twenty years, and even more, in the penitentiary. I have alluded to it only because of the fact that there appears to be a disposition on the part of—

Mr. SPOONER. In several cases of rape the punishment has been death.

Mr. DOLLIVER. And the sentence has been death, as suggested by the Senator from Wisconsin, for the same offense that I have alluded to in a number of cases. This plain record of the facts serves at least to exhibit the angle of vision at which men, saturated with political prejudices, approach a subject that ought to be free from such an influence.

I have not been one of those who have tried to encourage any discussions calculated, in the very wise language of the Senator from Alabama [Mr. PETTUS], to bring forth the fruits of bitterness and worthless dissension. To my mind it has made no difference, so far as this bill is concerned, what has occurred in the army in the Philippine Islands, for the reason, as the Senator from Massachusetts [Mr. LODGE] has so well said, that the very object of this bill is to displace the military authority and to establish in its stead a self-governing native administration. I have not felt disposed either to abjectly apologize for or to wantonly assail the military orders which have been so often the subject of controversy in this Chamber.

I do not know that I would have brought myself to refer to the subject at all, except that I saw a man in the corridors of the Senate, with tears in his eyes, a veteran newspaper correspondent, honorably connected for many years with the press service of the House of Representatives, asking whether there was not somebody who would speak in the Senate in behalf of our soldiers in Samar.

"My boy was with Major Waller and came out of that dreadful march a skeleton and a wreck," said the newspaper man, and as I saw him standing there crying I made up my mind that if every other man on this floor took refuge in the language of apology there should be one voice to ask at least the charity of the common-law presumptions for the victims of the prevailing mania for court-martials which seems to have taken possession of the War Department. [Manifestations of applause in the galleries.]

I have made an effort to find out something about the island of Samar and the military conditions there. My friend from Tennessee said that it was a blooming garden, or words of like effect, and that even to the eye of General Smith it presented a rosy and beautiful prospect when he went there. I deny it.

What are the facts about Samar? Long before General Smith's order was issued, and just after the horrible atrocity at Balangiga, where a whole command of our troops, who thought themselves secure in the friendly assurances of the neighborhood where they were encamped, were cut down by armed savages, who mutilated the dead as well as the living, the orders were issued by General Chaffee himself for the punitive expeditions which these conditions of barbarous and treacherous warfare required. These expeditions burned the towns which were sheltering and furnishing the savages with supplies, until, as Stephen Bonsal has said, "As far as the eye could see, southern Samar was converted into a wilderness."

Why was that done? It was done because when our boys went there the natives said that they were friendly—were glad to see them; and while they were sitting at breakfast, as they supposed,

in perfect peace and perfect security, they were set upon by savages armed with bolos, and butchered to death with horrible mutilations, not fit to be mentioned here. It was then that General Chaffee issued the order to make a fitting retribution against the authors of this outrage.

I have here a letter of a famous war correspondent, whom I quote with some confidence, because he has been offered as an authority on the other side of this Chamber—Mr. Stephen Bonsal. He was with General Smith in Samar. He went with him there. He tells of the indignation aroused throughout the whole American colony at Manila by the report of the pitiable affair at Balangiga.

He said there was not an American soldier or civilian in all that far-off land who did not approve of the resolution of General Chaffee to send out forthwith his orders to make an end of the conditions which sheltered that unspeakable crime; and in accordance with those orders, long before poor old General Smith ever got to Samar—an island apparently infested by armed savages with the instincts of butchery—before General Smith ever got there those orders had been well and faithfully executed, so that, according to Mr. Bonsal, as far as the eye could reach the coast of southern Samar was already a wilderness.

This, it should be remembered, was several weeks, or, at least, a month, before Major Waller reached the island at all. These native bolomen had retired to the mountains and were relying upon supplies sent up to them from the coast villages; and it was to reach these barbarous tribes in the interior of an uncivilized island that old General Smith issued such orders as he did issue.

I do not propose to pass judgment upon them until I see them printed. The evidence in the court-martial of Major Waller indicates that it was not an order at all; that it was a conversation which General Smith had with Major Waller, in which he told him that those people were hidden in the inaccessible fastnesses of these mountains and it would be his business to go up there and to do what he could to dislodge them.

If he did tell him to convert those mountains into a howling wilderness, Major Waller had an easy task, for according to a speech made here two days ago by the Senator from Washington [Mr. TURNER] the only offense charged against Waller in the execution of that order of General Smith was the shooting of several treacherous guides, who were defended on the ground that the major had no right to ask prisoners to dig roots for his men when they were perishing of hunger.

So that from their own statement the interior of that island was an inaccessible wilderness. I have looked it up, and I do not need the authority of Mr. Bonsal for saying, as he does say, that half a mile from the coast there is not a road in the island.

I for one am tired of hearing the excited exclamations against an old American soldier infuriated by the fate of our boys, a soldier who won his honors and his commissions by a long career of gallantry and who bears in his body three wounds received in the national defense.

Another thing, Mr. Bonsal was by the side of General Smith during his entire operations in this island. He says:

I went to Samar with General Smith and remained with him almost constantly for the first month of the operation. During the time I can say that I never saw any undue severity exercised upon women and children, nor did I hear from the mouths of credible witnesses of any such unworthy acts having been committed.

I stood up the other day and challenged somebody—I do not recollect what member of the syndicate of vituperation it was—to name the case of one woman or of one child that had suffered by an order of General Smith in Samar. Now, why should we not judge him with a decent charity? We do not quite know his situation. We have some light on it. Mr. Bonsal gives us a little light. The army of the bolomen, as I have been informed, was under the command of a broken-down attorney from the city of Manila, who was not even a citizen of the island of Samar. He had them in charge up in the mountains.

After having described the character of that army of Philippine liberty, Mr. Bonsal says:

In some portions of the press I find the position taken that our officers, before descending to fight the savages with their own savage weapons, should have made an appeal to Lukban, warning him of the unspeakable horrors that would follow upon the shameless scenes of slaughter inaugurated by his orders. As a matter of fact, this was done, and the answer came in the general orders and proclamations, twelve of which I have seen, that the dictator issued from his mountain camp.

They are addressed to the civilian inhabitants as well as to the enrolled bolomen, and in nearly every one of these orders which I have seen the desirability, in fact the imperative necessity, of showing no quarter, is impressed upon all quarters.

In one of these documents the dictator, now happily in our power—

A circumstance which we owe to the son of Ulysses S. Grant—commands:

"Kill all the white men you can lay your hands upon, by fair means or by foul, but spare the white women, that they may serve us as slaves."

That is the testimony of a reliable newspaper correspondent, who read the proclamation of the Manila lawyer, who had put

himself at the head of an armed band of savages in the desolate mountains of Samar. When I come to judge General Smith, when I come to judge Major Waller, when I come to judge the footsore company who clambered with him through that wilderness which civilization had never before disturbed, I propose to know all the facts.

The time may come, as the Senator seems to think, when we will in sheer exhaustion abandon our work in the Philippine Islands. Our burdens have been grievous, and sometimes I have thought they have been almost too heavy to be borne; but if the time ever comes for us to go we will not go under the auspices of the minority of the Philippine Committee. Our retreat will be taken up in an orderly way and it will not be conducted by the men who have defamed the uniform of the American Army in the Senate of the United States. [Applause in the galleries.]

The PRESIDENT pro tempore. The Chair would remind the occupants of the galleries that marks of approval or disapproval are not proper under the rules of the Senate, and there must be no repetition of them.

Mr. DOLLIVER. And in after years when nations more robust, moved by other motives, have taken up the burden which was greater than our strength, we will ask permission to go back to the harbor where our volunteers first heard the cheers of Admiral Dewey's squadron, to gather up the ashes of our dead—the poor boys who had faith enough in their country to give their names to its enlisting regiments, to follow its officers with a soldier's reverence, and to die if need be in its service.

If such an experience should come to us within my lifetime I hope to be spared the humiliation of recalling one word uttered here or anywhere that would warrant the surviving comrades of these men in reproaching me for having passed judgment upon them without hearing the evidence, without knowing the circumstances by which they were surrounded, the provocation by which they were inflamed, and the military necessities under which they obeyed their orders.

Another thing. My friend from Tennessee has intimated that we are governed by political motives in this matter. Such a feeling is far from my heart. I have tried to support the Philippine policy of the Government of the United States since we began it, though, like many others, I have looked forward to the outcome with solicitude and with anxiety; but I have never doubted the ability of the American Republic, I have never doubted the fidelity and the resolution of the people of the United States, and I am sorry that current politics have come into the discussion, and sorrier still that the politics of other generations have been dug up and paraded here in the Senate.

But the Senator from Tennessee is not the man to complain of that. The first citation of the dark and bloody past I heard from the lips of the Senator from Tennessee, when for nearly an hour he discoursed, turning to his brethren of the South, of the horrors of General Grant's administration of the affairs of the Government of the United States nearly a generation ago. The fact that I heard it again to-day and the dim recollection that I heard it nearly two years ago, seem to me to indicate that it is a part of the intellectual as well as the political stock in trade of the Senator from Tennessee.

My friend says that the Republican leaders in Congress were notified by the President that some notice must be taken of the arguments on the other side. I deny it. At any rate I venture seriously to dispute it, or at least to doubt it.

Mr. CARMACK. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Tennessee?

Mr. DOLLIVER. Certainly.

Mr. CARMACK. I said it was understood that the President had called together a number of the leaders of the Republican party. The Senator must not understand that I intended to include him in that category.

Mr. DOLLIVER. I know, and the Senator from Tennessee ought not to understand that when I refer to him I refer to him as a leader, for one of the things that has impressed itself upon my mind more than anything else is that in order to keep this debate going at all it has been necessary for the Senator from Tennessee three times to produce a speech that contained exactly the same ideas, and if that is not fair evidence of the fact that my friend needs the cooperation of some of the men—

Mr. CARMACK. Mr. President—

Mr. DOLLIVER. Certainly.

Mr. CARMACK. If the Senator will permit me, I will state that it may be that my three speeches have contained the same ideas. In that respect they differ from all the speeches ever made by the Senator from Iowa, which never contain any ideas at all.

Mr. DOLLIVER. That is an easy fling. I am not a genius. I find that my friend the Senator from Tennessee has that reputation. He thinks that political advantage is to come from his attitude in this Chamber. I do not think so. I do not believe

there is a Republican who fears the moral effect either on Republicans or Democrats in the United States of such a speech as that of the Senator from Tennessee.

I confess when I first heard it I was afraid it might interfere with the faint hearts of some, at least, in the mountains of Tennessee, where the distinguished Senator is an idol in the community, and so I ventured timidly to open the Tennessee newspapers. I did not dare to open a Republican paper, but I thought I would get hold of an orthodox Democratic organ to see how the Senator's performances were striking the people of Tennessee, and by the merest accident I found a journal which gained "the largest circulation in the South" while the honorable Senator was himself its editor, before he put away his pen and put out his tongue to defy the Republican policy now prevailing in the United States. [Laughter.]

I have here a calm, a peaceful, and a very suggestive commentary upon the present labors of the honorable Senator from Tennessee. It is entitled "Senator CARMACK's speech," and it appears in the Commercial-Appeal of the city of Memphis. It says:

Tennessee has every reason to be proud of Senator EDWARD W. CARMACK.

A sentiment in which I graciously concur.

The newspaper fraternity has many special reasons for being proud of his success and achievements. He has given hope and courage to many a struggling worker. He has demonstrated, in his proper person and by his success, that the force of intellect can break the bonds of convention and bid defiance to the glory and power of wealth.

All of which sounds natural. [Laughter.]

ED CARMACK is a man of the people. He is one of God's rare souls—

[Laughter.]—

who rise above and become superior to environment and force tardy recognition from unwilling minds. He is a living evidence that there is still some spiritual potentiality in manhood, and that to achieve eminence one must not depend wholly and entirely on the almighty dollar or other sordid considerations.

I have read these opening sentences in order to show that the witness is not prejudiced against the distinguished Senator from Tennessee.

Mr. CARMACK's speech on the Philippine question, as reported in the columns of the Commercial Appeal yesterday, was a rhetorical gem. Those who know him know that he is capable of such an effort. The country will be amazed and astonished that one man could produce in one speech so much to attract universal attention, but he and his newspaper friends who have labored with him know that he has accomplished greater efforts day after day and week after week in his editorial capacity which were passed over with but an indifferent notice or recognition.

What a tragedy is that—[laughter]—a tragedy that almost suggests the picturesque description of Goldsmith's village school-master—

And still they gaz'd, and still the wonder grew
That one small head could carry all he knew.

[Laughter.]

The article continues:

The great public is not insensate, but it is slow to recognize genius, and it can only realize a truth after it feels the repeated impact of that truth.

I reckon that is the reason why we enjoy the impact of that speech so often during this session of the Congress of the United States.

So much in justice to Mr. CARMACK.

Now, the editor, in the cold light of truth and patriotism, takes up the substance of the discourse:

Judgmentally—

That was a word left over by the old editor when he entered the House of Representatives.

Judgmentally his speech, with all its brilliancy, was an error—

That is exactly what other competent and honored leaders have been heard to whisper, so I am advised, among the surviving friends of the Democratic party—

Judgmentally his speech, with all its brilliancy, was an error, in the opinion of The Commercial Appeal. His condemnation of the Republican management of our new possessions was eminently correct and wise, but his declaration that we should abandon islands which we paid for—

There seems to be a little commercial spirit in western Tennessee [laughter]—

which we paid for—

And there seems to be a little patriotism left there, for he adds: and fought for is merely the refined sentimentality of the academician. It is almost pathetic—

And in this I quite agree with the writer.

It is almost pathetic to see such a magnificent mind and to see a man of such wonderful potentiality drifting away into impractical channels or beating his poor, bruised wings against the bars of irrefragable environment.

[Laughter.]

There is the only reason I can think of which leads me to acquit the Senator of having written that.

Admitting that he stands for the spiritual and better life of the Government, he is out of place and makes of himself no factor in the movement of events. Whether it is right or wrong, we have the Philippines as part of our possessions.

There seems to be a degree of resignation at Memphis which

does not even raise a moral question, a thing which can not be said of all sections of our beloved country.

And the national aspiration is to hold them as against all comers. Any man, however great he may be, who sets himself against the inevitable destiny of the nation or who attempts to suffocate or throttle the national aspiration, must expect to go down in defeat.

We would like to see Mr. CARMACK's magnificent intellect render service to his country along the inevitable and destined ways. We would be gratified to see him something else than a stupendous negation. We would like to see him have something else to say than an amplified and eloquent "Don't." But wrong as he is, and insistent in his errors as he may be, we can not withhold from him the tribute of our admiration.

Lord Macaulay said that Edmund Burke had a particular genius for getting on the wrong side of every question and of adorning his error with a transcendent display of genius such as the world had never before seen. Taking Macaulay's estimate of Burke as a standard, all that we desire to say about our distinguished young Senator is that he is a modern Edmund Burke.

All I desire to add is that if Ed Burke can stand that the junior Senator from Tennessee ought not to complain of it. [Laughter.]

Mr. CARMACK. Mr. President, I suppose I enjoyed as much as anyone here the delightful danse du ventre to which the Senator from Iowa [Mr. DOLLIVER] has treated the Senate and the country. I certainly had no idea when I entered into this discussion of crossing jawbones with so renowned and so redoubtable a tongue slugger as the distinguished Senator from Iowa. I do not know of anything quite so appalling to a raw and unskilled controversialist like myself as to see the distinguished Senator from Iowa draw his long red tongue from its scabbard and brandish it in the air.

The Senator from Iowa is very amusing when he tries to be, and he is often very amusing when he does not try to be. His effort this evening was exceedingly amusing. Where his language was not witty his gesticulation was at least ridiculous. [Laughter.] And the Senator from Iowa, when he can not raise a laugh by saying something that is funny, can always produce more or less merriment by doing something that is ridiculous. The Senator's speech was indeed accompanied by his usual refined and happy gesticulations—very amusing—but so far as any contribution to the knowledge of this discussion is concerned the Senator might as well have been engaged, as he usually is, in swinging by his prehensile tail from the leafy bough. I shall not attempt to answer the Senator's witticisms any more than I shall attempt to copy his inimitable gesticulations. I have not that control over my abdominal muscles which would enable me to do so.

The Senator has read an editorial article from a Memphis newspaper. The article was made very amusing by the gesticulations with which it was accompanied and the simian grimaces with which it was adorned. So far as I am concerned, I think the article was about as complimentary a one to myself as I could expect from a newspaper one of the principal owners of which is the Hon. Luke E. Wright, who is now holding a position under the present Administration in the Philippine Islands. [Laughter and applause in the galleries.]

The PRESIDENT pro tempore. If there is a repetition of marks of approval or disapproval the Sergeant-at-Arms will be obliged to clear the galleries.

Mr. CARMACK. Mr. President, if the Senator from Iowa had made his speech or given his performances a little earlier in the game, I might have answered a little differently the question the Senator from Ohio propounded to me. He demanded with some heat to know what Senator upon the other side of the Chamber had undertaken to excuse or to justify murder and butchery in the Philippine Islands. I can now answer him that the junior Senator from Iowa has done so.

"Poor old Smith!" Because the natives in a single town have risen up and butchered a number of our soldiers who were holding them in slavery, it is a "fitting retribution," in the opinion of the Senator from Iowa, that poor old Smith should issue an order to murder little children. Poor old Smith! Poor old scoundrel! Poor old murderer! Poor old butcher! I am proud to say, Mr. President, that up to this time the only man on the floor of the Senate who has been shameless enough to defend that bloody scoundrel has been the junior Senator from Iowa.

A few moments ago when I unguardedly used an expression about the impudence of Senators upon the other side of the Chamber, the Senator from Wisconsin suggested to me that it was an improper expression, and I thought so, and withdrew it. The Senator from Iowa speaks of Senators upon this side of the Chamber as a syndicate of vituperation. I did not call the Senator from Iowa to order. If it had been any other Senator upon the other side of the Chamber I would have done so. But I did not call the Senator from Iowa to order because I know that to require him to speak the language of decency and courtesy in debate would be to condemn him to absolute silence for the rest of his life.

Mr. HOAR. Mr. President, I call the Senator from Tennessee to order.

Mr. CARMACK. I am done. It does not make any difference.

Mr. HOAR. Mr. President, I desire the ruling of the Chair.

My point of order is that the language which I request be taken down is a violation of the rules of the Senate.

The PRESIDENT pro tempore. The words will be taken down and read.

The Reporter read as follows:

A few moments ago when I unguardedly used an expression about the impudence of Senators upon the other side of the Chamber, the Senator from Wisconsin suggested to me that it was an improper expression, and I thought so, and withdrew it. The Senator from Iowa speaks of Senators upon this side of the Chamber as a syndicate of vituperation. I did not call the Senator from Iowa to order. If it had been any other Senator upon the other side of the Chamber I would have done so. But I did not call the Senator from Iowa to order because I know that to require him to speak the language of decency and courtesy in debate would be to condemn him to absolute silence for the rest of his life.

The PRESIDENT pro tempore. The language is very clearly out of order, but the Senator from Tennessee has resumed his seat.

Mr. DOLLIVER. I desire to say that I do not regard it as of sufficient weight to require any attention from the Senate.

Mr. CARMACK. As the Senator from Iowa has decided that it is not entitled to any weight, that settles the whole thing.

Mr. LODGE. Mr. President, now that the Senator from Tennessee has finished expressing his pleasure at the speech of the Senator from Iowa, I should like to have put into the RECORD some papers in regard to an article that appeared in the Washington Post, and which was read here the other afternoon by the Senator from Washington [Mr. TURNER]. I will read the letter that accompanies it, and I ask that the memorandum may be printed as a part of my remarks.

It will be recalled that the article read was a statement purporting to come from a clergyman in Lynn, who quoted his son as saying—

Mr. CARMACK. Will the Senator from Massachusetts yield to me for a moment?

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Tennessee?

Mr. LODGE. Certainly.

Mr. CARMACK. I wish to say that I intended, if the Chair thought my language was out of order, to ask permission to withdraw it. If it is out of order, I will do so.

Mr. DOLLIVER. In view of what the Senator from Tennessee has said, I desire to withdraw the remark which I have just made.

The PRESIDENT pro tempore. If there is no objection, the language is withdrawn.

Mr. LODGE. It will be recalled that the article which was read purported to be a statement of the Rev. W. H. Walker, of Lynn, Mass., stating that he had letters from his son which gave an account of an action in the province of Sorsogon, where the army took 1,300 Filipinos; that 300 were killed and the remaining thousand were stood up by open graves and shot.

WAR DEPARTMENT, OFFICE OF THE SECRETARY,
DIVISION OF INSULAR AFFAIRS,
Washington, D. C., May 7, 1902.

MY DEAR SENATOR: I inclose herewith memorandum respecting publication hereto attached.

It was said that the young man belonged to the Sixteenth Regiment United States Infantry. The letter says:

By said memorandum it appears:

First. Sixteenth Regiment Infantry, United States Army, has never served in the Philippines outside of Cagayan, Isabela, and Nueva Viscaya.

That is, it has never served in Sorsogon.

Second. The Army rolls of Company I, Sixteenth Infantry, United States Army, do not contain the name of J. Bennett Walker.

Third. There is a John B. Walker in Company I, Fifteenth Infantry, United States Army. This regiment (Fifteenth) has been in the Philippines since December 15, 1900. Up to July 14, 1901, Company I had not been stationed or operating in Sorsogon, but on April 24, 1901, Company I was ordered to Albay Province, which immediately adjoins Sorsogon on the north.

Fourth. There are no reports on file in the War Department of engagements in Sorsogon in which Company I, Fifteenth Infantry, United States Army, participated.

Fifth. On January 11, 1902, J. G. Livingston, civil governor of Sorsogon, reports in detail on conditions prevailing since April 30, 1901 (page 458 of the hearings before Committee on the Philippines), and makes no mention of any affair where insurgents were killed or captured after August 26, 1901.

Sixth. No mention is made of the capture of 1,000 prisoners, referred to in said article, in any of General Chaffee's reports. Lieutenant Burr, the officer referred to, has never reported any such capture.

Seventh. No report has been received at the War Department in respect of or referring to the alleged incident detailed in said publication.

Very respectfully,

CHARLES E. MAGOON,
Acting Chief of Division.

Hon. H. C. LODGE,
United States Senator, Senate Chamber.

I have requested that a cablegram be sent to the Philippine Islands, which has been sent, to make further inquiries, but in the meantime a telegram has been put into my hands from the Boston Journal to their correspondent here. They interviewed Rev. W. H. Walker, to whom this statement was attributed. I will read it:

L. A. COOLIDGE, Washington, D. C.

Rev. W. H. Walker, Lynn, denies receiving letters from his son, John Bennett Walker, a soldier in Philippines, describing shooting of 1,000 Filipino

prisoners. Says reports grossly misrepresented him. He says: "Instead of receiving 12 letters I personally never received but one. Three in all came to my family; other two addressed to my wife and daughter. All contained practically same information. They were written by my son before last Thanksgiving, and were received by us early in February—over three months ago. They contained nothing but a review of the soldier's life in the Philippines, which at times was hard, according to my son's story. In none of the letters was any reference made to cruelty, nor did my son criticize the American troops in any way."

BOSTON JOURNAL.

I let that go with the rest.

The PRESIDENT pro tempore. Without objection, the papers presented by the Senator from Massachusetts will be printed in the RECORD.

The papers are as follows:

PRISONERS SHOT IN SQUADS—AMERICAN DECLARES 1,000 FILIPINOS WERE SLAIN NEAR SORSOGON—SENSATIONAL CHARGES CONTAINED IN LETTERS RECEIVED BY REV. W. H. WALKER, OF BOSTON, FROM SON AT THE FRONT.

LYNN, MASS., May 6, 1902.

"One thousand Filipino prisoners shot in platoons over the graves themselves had been forced to dig; a priest, who had acted in the dual capacity of father confessor and general, hanged before the slaughter of the prisoners and within their sight."

Such are some of the charges made by J. Bennett Walker, a private in Company I, Sixteenth Infantry, now at Sorsogon, in the Philippines, in letters to his father, the Rev. W. H. Walker, D. D., of this city. He is a special instructor at the Gordon Missionary Training School, Boston. Private Walker enlisted at the outbreak of the Spanish war, and was commended for bravery at San Juan.

The Rev. Dr. Walker has more than a dozen letters. He refuses to make them public, however, as he says: "The story is too fearful. My boy has written to me as son to father, and in the face of the inquiry now going on I fear it might bring him into trouble with his superiors."

"He writes of a 'hyke' he went on with men under Lieutenant Burr. A 'hyke' is an expedition in search of rebels. He writes that the detachment went to Trosin, 18 miles from Sorsogon, and took possession of a bamboo church there. They had hardly settled themselves in the church when 300 insurgents attacked them, armed with bolos and daggers."

"The insurgents were routed and 2 captured. The prisoners told of the location of the insurgent army and agreed to act as guides. The entire command was ordered out, the insurgents taken by surprise, 300 of them killed, and 1,000 taken prisoners, including a priest, who was their general and father confessor, 2 captains, and 4 lieutenants."

"This band proved to be a secret organization known as the Katyauman. The priest assured them that if by any chance a Yankee bullet did hit and kill them they would come to life again in three days. They were so convinced of the power of the charm that they did not fear any body of armed soldiers."

"The priest was called out to tell the insurgents that they had been duped. He refused to do so, although he was flogged, and as an example was strung up to a tree and allowed to remain there a week, so that it could be seen he did not come to life at the end of three days. The Katyauman were so superstitious and such fanatics that the thought of liberating them could not be entertained. To keep them prisoners would necessitate the placing of soldiers on short rations, if not starving them. There was nothing to do but to kill them. This was done by squads. Every morning three squads of 20 men each were sent out under guard."

"They were taken a mile or so inland, and then furnished picks and shovels and started to work. When they had dug a trench 5 feet deep they were told to stand up in it. The picks and shovels were taken away. A bullet for each man ended his agony, and he lay dead in the grave he had dug, in this fashion. The entire 1,000 were put out of the way of harm. While these measures may seem exceedingly cruel to us," said the Rev. Dr. Walker, "my son tells me they are absolutely necessary for the preservation of the American soldiers."

In the matter of charges by J. Bennett Walker, private, Company I, Sixteenth Infantry, United States Army.

The clipping attached appears on the first page of the Washington Post, published Tuesday, May 6, 1902, dated May 5, 1902, from information furnished by Rev. W. H. Walker, D. D., of Lynn, Mass., purporting to have been gathered from letters received from his son, J. Bennett Walker, a private in Company I, Sixteenth Infantry, United States Army, "now at Sorsogon."

By reference to "Roster of troops serving in Department of Northern Luzon," published November 1, 1900, it would appear that at that date the Sixteenth Regiment, U. S. A., was stationed at Aparri, and that Col. Charles C. Hood, of the Sixteenth United States Infantry, was commanding the district comprising the provinces of Cagayan, Isabela, and Nueva Viscaya, and the entire regiment was located within his district.

The roster of troops published October 31, 1901 (eleven months later), on page 6, still shows Colonel Hood in command of the second district of Northern Luzon, composed of the same three provinces, with the entire Sixteenth Regiment within his district and Company I, located at Aparri.

The stations of troops published at Manila, dated February 15, 1902, still shows the Sixteenth Regiment with headquarters at Aparri and Company I located at that point.

The attached article states that the letters received were written by J. Bennett Walker, of Company I, Sixteenth Infantry, "now at Sorsogon."

By reference to the map of Luzon, it will appear that the province of Sorsogon is the extreme southeastern province of the mainland of the island of Luzon and is a part of the Department of Southern Luzon, whereas Aparri and the districts constituting the second district of Northern Luzon are located on the extreme northern coast of the island of Luzon and the two points are as far apart as they can be on Luzon.

If the regiment was at Aparri, with Colonel Hood commanding the second district, on November 1, 1900, as shown by the first roster referred to; was still there October 31, 1901, as shown by the second roster referred to, and continued to be there on February 15, 1902, in the third roster referred to, it is likely that at any time within a reasonable period, when 1,000 Filipino prisoners would have been captured, Private J. Bennett Walker was at Sorsogon? Furthermore, the letter states that he went on a "hyke" with Lieutenant Burr. Neither the roster of the Sixteenth Regiment, United States Army in 1900, nor the roster of the Sixteenth Regiment on October 31, 1901, nor the last edition of the Army Register shows a Lieutenant Burr in Company I or any other company of the Sixteenth Regiment, United States Army. There is a Lieutenant Burr in the Philippines in command of a company of scouts, but not the company of scouts connected with the second division in northern Luzon. Careful consideration of the reports at hand fail to discover any engagement in command of a first lieutenant killing 300 insurgents and capturing 1,000 prisoners, as stated in this article.

The records of the Army, as shown by the rolls, establish the fact that the Sixteenth Regiment, United States Army, left San Francisco May 23, 1899,

and arrived in Manila June 26, 1899, and the undersigned, with J. G. Hudson, of the Army rolls division, have on this 6th day of May, 1902, examined the Army rolls of Company I, Sixteenth Regiment, United States Army, and find that there never has been on the rolls of said company a man by the name of "J. Pennett Walker," "J. Bennett Walker," "J. B. Walker," or "J. P. Walker," either as a private, corporal, sergeant, or commissioned officer, since May, 1899. We did not deem it essential to go back of that date.

An examination of the report of General Chaffee of events in southern Luzon from the arrival of the Fifteenth Regiment United States Infantry, in which Lieut. Frank S. Burr is an officer, to wit, first lieutenant of Company E, on detached service in connection with Philippine scouts (so understood), we find that from the date of its arrival, to wit, September 4, 1900, to August 26, 1901, no report of any engagement in which Lieutenant Burr took part is made, unless it be one on February 8, 1901, in which a battalion of the Fifteenth Infantry was engaged, where there were 3 of the number killed, 1 wounded, and 3 captured.

As in all other engagements of that regiment, the names and companies are given, and his name does not appear in any reports made to or by his regiment.

It might be further added that in the ten months of reports from that regiment on file 11 engagements are reported, wherein the aggregate shows 26 insurgents killed, 25 wounded, and 21 captured.

The report of Governor J. G. Livingston, of Sorsogon Province, dated January 11, 1902, reports in detail conditions in that province since April 30, 1901 (p. 459, Hearings before Committee on Philippines), and he makes no mention of any such affair or of any affair where any number of insurgents were killed or captured after August 26, 1901, date of General Chaffee's report.

Lieutenant Burr himself reported to his proper superior officers from time to time, and we find in the report of the Lieutenant-General Commanding the Army for 1901, part 3, as follows:

"October 17.—Fifth district, headquarters scouts and Forty-first Volunteer Regiment scouts, commanded by Lieutenant Burr, Fifteenth Infantry, met a band of insurgents in the mountains west of Balanga, routed them; killed 7 and captured 4 rifles.

"January 17, 1901.—Lieutenant Burr, Fifteenth Infantry, commanding Fifth district scouts, met ladrones east of Santa Maria; killed 2 and captured 1 rifle."

He subsequently makes a final report for the month of February, 1901, showing four engagements of his scouts wherein several guns were captured. All the foregoing in southern Luzon.

It would appear but natural that had Lieutenant Burr, either as commanding officer or as participant, been engaged in an engagement as suggested by the article by the Rev. Walker, he would either have reported it himself or have seen that some other officer did so report.

The result of the foregoing would locate Company I, Sixteenth Regiment, at Aparri in a northerly point of Luzon; the affair recited at Sorsogon, in the extreme southeastern part of Luzon, and Lieutenant Burr in the central portion, and Private J. Pennett Walker not located.

There is a John B. Walker in Company I, Fifteenth Infantry, United States Army.

Should it transpire that the man Walker referred to is a member of Company I, Fifteenth Regiment, United States Army, then we submit the following as the record of the Fifteenth Regiment, and especially Company I:

By General Chaffee's report, Appendix N, it is shown that two battalions of the Fifteenth Infantry, United States Army, arrived in the Department of Southern Luzon, one (third) September 4 and the other December 15, 1900. On page 7 of the same appendix it is shown that the battalion arriving September 4 was sent to the towns of Sinoloan, Paquil, Paete, and Santa Cruz, Laguna Province. The battalion arriving December 15 was sent to Legaspi and Tabaco, province of Albay and island of Catanduanes.

It subsequently appears that Company I was a part of the First Battalion, which was stationed at Laguna, as shown on page 16, where, on April 24, the Third Battalion of the Fifteenth Infantry, including Company I, was moved, Company I going to San Jose de Lagone, Albay Province; Company K to Sorsogon; Company L to Jupat and Matnog, and Company M to Donsol and Buluan.

It subsequently appears, on page 18, that Company I was transferred from San Jose de Laguna to Tobaco, Albay Province. At some time subsequent to July 14, 1901, Company I may have been transferred to Sorsogon, and hence, if the capture of 1,000 and killing of 300 insurgents by Company I, or any part of it, occurred, it must have been subsequent to July 14, 1901.

That our memorandum is correct we submit the following reports of engagements and expeditions by companies and battalions of the Fifteenth Infantry, United States Army, from the time of their arrival in the Department of Southern Luzon up to and including August 26, 1901.

The following, taken from Appendix N, being report of military operations in the Department of Luzon from August 1, 1900, to August 26, 1901 (report of General Chaffee):

"September 27.—Engagement by Captain Mitchell with Company L, in which 10 insurgents were killed, 20 wounded, and no captures. This occurred at Laguna, a province situated just south of Manila and several hundred miles north of Sorsogon.

"December 26.—An engagement by Company M, Fifteenth Infantry, in which 1 insurgent was killed and 1 wounded and 9 captured. This was also in Laguna Province.

"December 31.—Another slight engagement by Company M; no insurgents killed, wounded, or captured.

"December 31.—Another engagement by Company L, in which 2 insurgents were killed, 1 wounded, and 1 captured.

"January 26, 1901.—Another engagement, company not given; no insurgents killed or wounded; 9 captured.

"February 8.—Engagement by battalion, consisting of Companies I, K, and M, in which 3 insurgents were killed, 1 wounded, and 9 captured.

"February 19.—Engagement by Company D, in which 2 insurgents were killed, 2 wounded, and 1 captured.

"March 27.—Engagement by Company M, in which 2 insurgents were killed, 1 wounded, and 1 captured.

All of the foregoing were in the province of Laguna, above referred to.

"June 1.—Engagement by company not named, in which 15 insurgents were killed, 1 wounded, and 1 captured.

"June 7.—Engagement by Company D, in which 1 insurgent was killed, 1 wounded or captured."

The last two engagements were in the province of Albay, situated north of Sorsogon. No engagements in Sorsogon reported.

The foregoing, considered in connection with matter previously considered, showing that Lieutenant Burr was operating in central Luzon until at least March 1, 1901, these reports showing engagements of the regiment to August 26, 1901, and the report of Governor Livingston on page 419 of hearing, covering conditions up to January 11, 1902, would exclude the probability, if not the possibility, of any such affair occurring as referred to herein.

Mr. MONEY. Mr. President, it is exceedingly to be regretted that a measure of great public policy, involving such momentous and far-reaching consequences, can not be debated in the Senate of the United States without a display of temper. It is particu-

larly to be regretted that two young Senators, each the peer of any man in the Senate, gentlemen of humor, eloquence, and wit, who are destined to run most brilliant and glorious careers here, should be so moved in the heat of debate as to use language which I know both will regret. It is very easy to indulge one's self in satire and wit and ridicule, but the barb goes very deep and leaves wounds so ineradicable that it must always be regretted by those who participate as well as by those who hear.

It is unfortunate that the debate has taken a sectional turn. I am not here this evening to debate this question, because I am physically unable to do so, besides lacking disposition to enter into a proper discussion of it. But I am on my feet to-day because of the use made of my name yesterday in a carefully prepared written speech by the junior Senator from Maryland [Mr. McCOMAS]. The Senator has taken me to task for certain speeches which he said I made upon this subject, but he has forgotten that I have not made any. I have not spoken on this question or on the question upon which he then particularly animadverted.

I know the Senator from Maryland. I have served in the House and Senate with him. He has been a good-natured man and has been noted for the exactness, the painstaking accuracy of his methods. He has also been a judge on the bench, and his hand has had to hold untrembling the scales of justice. He has learned from the construction of statutes the value of accuracy in thought and precision in language. If he had said anything in an offhand debate in the Senate which for a moment seemed to involve me, it would have been a matter of no consequence whatever, and I should have allowed it to pass without mentioning it at all.

But when a man carefully writes his speech and reads it the presumption is that he has considered well whatever he has penned, and also the vehicle that communicates the idea to those who hear him. The mind of the Senator from Maryland is clear and strong enough, his understanding of any question he may debate is good enough, and his vocabulary is sufficient to adequately and appropriately convey to his auditors his meaning without the use of manuscript. So when he uses manuscript I understand him to have thoroughly examined into the matter upon which he speaks.

I did not have the pleasure of hearing him yesterday, because I could not attend the Senate at that time. He said of the Senator from Utah:

The motto of the Senator from Utah, who introduced this substitute for the pending measure, is, "Let the Ishmaelite go"—a policy made more specific by the Senator from Mississippi, who adds, "Let him go to the devil." That is easy, but it is not statesmanship. It is not patriotic constructive statesmanship.

The Senator said yesterday that most of the minority on this side had voted for the ratification of the Spanish treaty. This morning he corrects that, although it was in writing yesterday, and he said that he now means "some of them." So he can see that a man's last interpretation of his own thought, or his last expression of it, is the one that the public should accept.

Now, when the Senator quotes me in this deliberately written article of his, or essay or speech, he did not get from the RECORD any such thing. There is nothing of the sort in the RECORD. I desire to say now that when I delivered that speech I acted as I do in all others. I never see the notes of the stenographer and I never see the proof sheet of the printer. I let go whatever faults may be committed, either in transcription or in printing, and I content myself with correcting the permanent RECORD.

I did say, in the heat of debate, in an offhand way, "Let them go to the devil," but that sentence was accompanied by others which the distinguished Senator from Maryland does not choose to quote. It does not mean our consigning them to hades, by any means. I said, "Let them go to the devil and take care of themselves," and I afterwards said to the stenographer, "That was a rough expression which I would not like to have go into print, and I hope you will put it in, 'Let them go where they please and take care of themselves,'" and that is what appears in the RECORD. So the Senator has misrepresented me, and he has done it deliberately and coldly and mechanically. He had no authority to quote such language as against me in my speech. It is not a matter of record, and I had chosen to express myself differently, and there could be no objection to doing so.

But, Mr. President, before I used that language I expressed the idea that I sympathize with every people in the world struggling for liberty, and at the same time I expressed my confidence in the American Army. I said there was nothing that I would say to disparage our Army, and I never have yet said one single word. On the contrary, Mr. President, I said that I was attached to the Army by more than usual ties, because I have some of my family in Luzon, one of them fighting in the province of Batangas, or he has been, under Gen. Franklin Bell, and I will never believe that he or anybody perpetrated any act of barbarity if he had a thousand commands from poor old Smith and all the balance of the generals in the Army. I use the phrase of my eloquent friend

from Iowa. I do not know how old General Smith is, or how poor he is, but it was used here so often, with such damnable iteration, that it made an impression on my mind, and I suppose he will go down in history as poor old Smith.

Mr. President, I said nothing about the paucity of the votes there. That question was not up when I spoke on the tariff in the Philippines. That question has come up under the pending bill. Yet I am represented as saying that by the Senator. He seems to take pleasure in associating me with the senior Senator from South Carolina [Mr. TILLMAN], who is quite able to take care of himself, I think; at least I will give him no assistance. But the Senator takes pleasure in associating me with him and making certain comments, and I will ask the patience of the Senate for a few moments. He says:

There will be more time to extend the Constitution to the Filipinos in the islands if they take all the time needed to undo that nullification of the Constitution whereby their Filipinos at home have been robbed of their suffrage and their citizenship.

That is, meaning Mississippi and South Carolina. He goes on to state—

It is safe to predict that most of the votes for this substitute will come from States where consent of the governed is least practiced, where the Constitution is nullified more and more.

It is a grave accusation to make against a sovereign State of the Union that it is nullifying now the Constitution and intends to nullify it more and more, and the gravity of it should make a man consider it well before he puts it in print. As a matter of fact, without impeaching the Senator, the statement is not true. I refer him to the decision of the Supreme Court of the United States in the case of *Williams v. Mississippi*, where the court decided there was nothing in the constitution of the State that was against the Constitution of the United States.

That should be a sufficient answer to any charge of nullification. But nullification attributed to a State is as old as the Union. The idea of nullification was proclaimed in New England when the Union was but six years old. It was preached in New England from that time down to the year 1860. I have never quarreled with them for preaching the doctrine of nullification, but the statement is made and the South is placed in this apologetic attitude eternally by these assaults made upon it and called momentarily to make its defense, and these things are reiterated over and over again until I am tired of explaining to Senators on the other side what is the condition of things in Mississippi. I have quoted the decision of the supreme court of Mississippi and the Supreme Court of the United States over and over again, and it does not require so good a mind as that of the Senator from Maryland to know what that decision was.

He goes on to say what the vote is in Mississippi. The question is not about the vote; the question is about registration, and there are 125,000 people registered in that State. I say now that there is not in the State of Mississippi a single man who has been unconstitutionally disqualified from voting, either by the constitution of the State or the Constitution of the United States. I say there is not a provision in that constitution that bars a man to make it objectionable to the fourteenth and fifteenth amendments of the Constitution, and I can support that contention here against the Senator from Maryland or any other man.

It seemed, however, that it was impossible to get the Senator away from the South. It is in the nature of a hound to follow the first scent; and though the track may be crossed by a hundred other than the fugitive, yet through all the mazes of the different tracks the hound follows the first scent. So, going through the forests and jungles and the rice fields and the mountains of Samar and Luzon, he harks back to his old trail, the scent of the African, and it is impossible to miss what seems to be his stock in trade, the hope of his political preferment hereafter.

The Senator from South Carolina and the Senator from Mississippi with tearful voices cry out against the small percentage of voters we begin with in the early elections in the Philippines.

I do not know that I have ever spoken with a tearful voice. I will not be positive about that, but I will be quite certain about the voice of the Senator from South Carolina. If his voice is a tearful one, then God save us from the vociferous and the explosive and the volcanic. I have been accustomed to speak with moderation. I know what I say when I speak; but it happens that my voice, whether tearful or otherwise, has not been heard upon this question; I have not alluded to it; I have not been mixed in it; I did not intend to be heard upon the question, and I do not know that I ever will be.

Now, these things might not, perhaps, be worthy of notice if they were not carefully written. When I see a man write a speech I generally think that he has written it about a dozen times. I do not know how he feels when he is doing it, as I never did anything of that sort, but certainly the most careful preparation—I am not deprecating the writing of speeches—and the utmost care are demanded sometimes in expression. I suppose the Senator from Maryland wanted to be particularly accurate in all the statements he made for fear that his veracity would

be impeached, and therefore he was doubly careful and rewrote and rewrote his speech again and again, and consulting every source of information. The best orators the world ever saw wrote their speeches. Demosthenes wrote his speeches, and generally wrote them twelve times, the last time to measure the sentences and get the rhythm, the cadence, and make music of that beautiful Greek tongue. So did Cicero write his great speeches, except those tremendous harangues against Catiline, which were drawn out by the exigencies of the moment.

Mr. CARMACK. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Tennessee?

Mr. MONEY. Certainly.

Mr. CARMACK. I wanted to know if the Senator from Mississippi intended to compare the Senator from Maryland to Demosthenes. If that is so, I intended to call him to order.

Mr. MONEY. I did not intend to compare him with anybody. I only instanced a fact.

Mr. McCOMAS. The Senator from Tennessee desires to have that comparison applied to himself.

Mr. MONEY. Certainly; apply it all around. I am told that Daniel Webster wrote his great speeches very carefully and then dismissed them and spoke them as he remembered them. One of the greatest Southern orators—Mr. Lamar—wrote his speeches and studied them carefully and threw them away and repeated them. I have had the pleasure of having three or four of his speeches rehearsed to me long before he made them. I did not say the Senator was not at perfect liberty to write a speech, and I do not say it is not a good practice, but I do say that when a man takes the deliberate care that is involved in writing a speech he should be exceedingly accurate in his statements, but there must be a latitude allowed to a man who speaks simply upon the spur of the moment and spontaneously, and therefore there is liberty to change his remarks if he finds he has been mistaken in any point.

Well, the Senator goes on to accuse me of hypocrisy and effrontery:

Never until the past three years was there such effrontery of hypocrisy. We behold Senators from the two States where there is less popular liberty than in any others shouting loudest for constitutional liberty on the other side of the globe.

There is another mistake, if I may be allowed to use as mild a word as that, upon the part of the Senator from Maryland. I have not been doing any of that kind of shouting. On the contrary, in every remark I have made upon this floor (and I have spoken more than once upon the Philippine question) I have said distinctly that I spoke from an American point of view; that I spoke in behalf of the American people and American institutions; and that I cared nothing what the fate of the other man was except as I sympathized with any people, however savage, in their struggle for national independence. But I said also that wherever the American flag waved I wanted its foes to fall before it. I am no more concerned about the fate of the Philippines than is the Senator from Maryland about the fate of the negroes. He cares just as little for them as I care for the Filipinos, and he cares as little for the Filipinos as he does for anybody else.

Now, here is a novel idea from the Senator:

If the Filipinos upon an island have such inherent right to take our territory for such experiment, upon the demand of its inhabitants, each State at home, each Territory at home, has the right to demand independence.

I would be glad to believe that that was intended in a sort of Pickwickian sense, for I do not see how any Senator with ordinary information, especially a man of the good mind of the Senator from Maryland, could have used such terms as this, that they are trying to take our territory away from us in order to make an experiment in self-government. Why, the Republican party passed a resolution here the day they ratified the treaty, in which they declared that these people should never become citizens of the United States and their land should never become the territory of the United States, an integral part, at least, of the territory of the United States; and here we talk about our sailing seven or eight thousand miles to a people who are the autochthons of that country, so far as we are informed, and that they are trying to take away from us our territory in order that they might try the experiment of free government and independent government.

I have said over and over again here that I do not believe the mind of the Philippine people could conceive a republican government like ours. I am still in that belief. I said also, and I want the attention of the Senate to that point, that when the officers of the Army reported what they did about the Filipinos, I believed them, because our officers were honorable men and they would not tell lies. That is what I said, and I said, taking them at what they say, and they know better than we do, the sooner we cut loose from such a people the better for the people of the United States, both in its exchequer and in its character.

The contamination of association is inevitable. I recollect,

while I am in reminiscence now, that when I spoke upon the Spanish treaty I predicted the very things that have followed. I said we would lay the bones of thousands of our best men upon the island of Luzon and in the archipelago. I said we would have the plunder of carpetbag government and the hard rule of military government. It is not a weakness or an infirmity or a vice of the American people. The American people are a humane people; they are a brave people; they are a people capable of self-government in the highest conception of what that government means and all that it implies. They are that more than any other people I know of on the face of the globe. Yet it is the weakness of human nature that when you unite, as I said then—I am quoting my language as near as I can recollect it—when you unite irresponsibility with power you must have a condition of things of which this country ought to be ashamed and will be ashamed. So far as I know, that prediction has been in some measure fulfilled and it is going on in fulfillment.

Now, we have the spectacle of a country that was acquired in the exercise of the laws of war, suitable to the occasion, as I will admit, in the exercise of the laws of war, where our armies have been compelled to burn cities and towns, burn men, women, and children at the doors, and kill the people. That has been, you may say, one of the necessities of the military situation. This is what I do not want. This is what I foresaw. This is what I predicted; and this is what I would have saved the American people from; and I say the end is not yet.

Taking it for true that General Smith issued that order, and there does not seem to be any doubt about it except in the mind of my friend from Iowa [Mr. DOLLIVER], think of the condition we have voluntarily placed upon ourselves, the necessity for killing people, whether at war or peace, above the age of 10 years. To make that order ridiculous, which if it is true is cruel and hard, we have letters published in the press from people who profess to know about the Philippines, in which they say that the Philippine boy about 11 years is the most terrible fighter on earth. One man went down to 8 years of age, and said what a magnificent fellow he was with a bolo; that he would just like to chop up an American soldier on sight; and we all say that the men are cowards and can not fight, but that 10-year-old boys are savage and ferocious to the last degree. This is making an opera bouffe of the whole business. Here comes in General Bunn, as in the Grand Duchesse, to play the funny part as a counterpart to this order of General Smith. These terrible Filipino boys of 8 are so to be dreaded that they are to be killed as soon as they get to the age of 10. I do not believe there is a Senator in this Chamber—I have too much respect for every single one of them to believe it—who will in his heart indorse the order of General Smith, if it is true as reported by cablegram.

I was glad to hear the junior Senator from Massachusetts [Mr. LODGE] say the other day that his heart revolted at such an order. It would be well for Senators to recollect before they enter into this defense or quasi defense they are making, whether true or not, that they must not allow themselves to be made a part and parcel of this bloody scheme of vengeance. We know there are reprisals in war. We know that sometimes we treat savages with savage methods. But when it comes to a plan of campaign I want to say what we hear on both sides of the Chamber about excesses in times of war has no bearing upon this question at all. The excess of Alva in the Low Countries and the Austrian Haynau in Hungary and the destruction of whole tribes by the Romans, or anything else that you can adduce besides religious persecutions of their own people, have nothing to do with the case whatever. You can not make an army without having brutes and thieves and criminals and fiends in it.

You must have some that are hard hearted and callous, ready to plunder and rob and to murder if need be, and we do not expect any country on earth to be free of these things. But I want to say when it comes down to issuing a plan of campaign the letter of general instruction by which subordinates are to be guided and directed and instructed, which orders they are bound to obey, then when it comes to order the wholesale destruction of people of 10 years of age it has rarely been witnessed, and thank God the pages of human history show few counterparts to any such order.

I hope from the bottom of my heart that there is some mistake about this matter. I hope it will turn out in the end that the whole thing is just such a fake as the Senator has explained in the massacre of 1,200 people, which I did not believe when I saw it in the papers. I did not believe it at first to be true, but as it is to-day the order comes to us so well substantiated that it would be well for both sides to wait to hear what the truth is about that order, and when it is ascertained, when the War Department receives the news authentically, I do not believe there is any Senator in this Chamber who will rise to defend it. I do not believe there is one who can sympathize a moment with it.

Now, it is the disposition of people at home to be humane. The excitement of battle, the joy of combat, as the Latin had it,

or still better as Walter Scott had it, the rapture of fight takes men clean off their bearings and leads to wild excesses that they themselves are afterwards ashamed of, when—

The war's wild blast has blown,
And gentle peace returned.

Men do not sit at home after their campaign surrounded by their peaceful families and look back with pleasure upon the excesses they themselves have committed in war. They think with pleasure only when they succored the wounded and helpless and never of the time when they exercised an arbitrary brute force in order to inflict injury or death. The people of this country are a humane people. We are, as described by the Senator from Tennessee, an arrogant people, a people confident of ourselves, proud of our power of sustained purpose and our energy, proud of that principle which makes us capable of self-government and has made us so from our forefathers in the forests of Germany.

Now, Mr. President, I did not intend to go so far as this, but I must say another word about Mississippi. I want to ask a question now deliberately and I want a candid answer. We have made a constitution which does not, as I said, disqualify any man in the world contrary to the Constitution of the United States, and as a matter of fact there has not been in the execution of that constitution any law or any act at the polls of an executive officer which has been contrary to the Constitution of the United States. The most jealous scrutiny has been exercised upon the State of Mississippi since that constitution was adopted in order to find if possible a weak part in her armor in which the lance of her assailant might penetrate, and it has been futile.

We have there, according to the census, about 270,000 adult men. One hundred and twenty-five thousand are registered. I have in my office sheet after sheet, in one county over 3,000 names, of people who did not pay the poll tax, and therefore they were disqualified from any right they might have, and I say a man who will not pay a poll tax is not entitled to vote. It is good sense. It is good reason. It is a sound basic proposition for the suffrage.

Now, Mr. President, suppose that they all had registered and that they all had voted. There are in Mississippi a majority of 40,000 or 50,000 adult black people over white people. Would the Senator from Maryland, with his views of civilization, of Christianity, of education, of responsibility for good order in government, be willing to see every one of those men vote and to turn out every white man in this House and in the other? Would he be willing to see every office, from the governor down to the constable of the beat, filled by the black race? Would he be willing to see the institutions of that great State, its property, its education, its religion, turned over to the black race?

Are they the people he and posterity will hold responsible for good order there? Will any Senator say that he would have the Anglo-Saxon subdued to the power of the inferior race because of numerical superiority? When that people attempt to interpose a peaceful, legal, and constitutional inhibition against the qualification and characterization of the colored race and not against him, do you say that we have not the right to do it? I ask any man to show me a complaint made of an election in Mississippi since that constitution went into operation or before. I was seven times elected to the House and twice to this body, and nobody has ever yet raised a single complaint that at any time, at any polling place, there was an illegal vote cast or counted, or that there was any violence at any poll. My right to a seat here has never yet been contested by anybody.

Then what is the use, unless it is to stir up partisan feeling, to inflame sectional hatred and advance a partisan policy, to continually revert to the condition of things in the South, and to inject them into a debate that concerns a people 10,000 miles away? I ask what good can result from this, and what is to be the advantage to be expected? Are we to surrender Mississippi and South Carolina? These are the two States that have been assaulted by the Senator from Maryland [Mr. McCOMAS] so unjustly here. Are we to surrender our heritage and our birthright and to permit ourselves to be governed by an inferior race? What is good for those two States is good for forty-five States, and it is just as well, if Mississippi is to be represented here by a black man, that every Senator here should be a black man.

This talk about a skin government and skin society is all rot. There is not any sense in it; there is not any philosophy in it. It is not that a man is discriminated against or a race is discriminated against, but we know that a black skin is a badge of inferiority, and there is not a man in this Senate who does not know that and acknowledge it.

While Africa, according to Sir Rhoderick Murchison, is the oldest continent in the world, and they have had their own way there, yet they never have arrived at the dignity of a legislative council. It has been the rule of the strongest arm with the heaviest club. The white man never made them slaves, but the African chieftains themselves sold them to white men—white men

more wicked than they. That was not the fault of the men who owned them in the South, however, for it happened that the slave trade was carried on by the natives, and carried on by men of New England, who derived enormous gain from it, and the most notorious and successful slave ship that ever sailed from an American port was a ship that was owned by what the biographers say were the leading commercial and social people of the town, and a man who was a captain of a slaver was made a Senator of the United States from the State of Rhode Island.

We are dealing with this problem, gentlemen, as God has brought it to us. We are dealing with it not only solemnly and seriously, but prayerfully. It concerns us a thousand times more than it does you men living north of Mason and Dixon's line. It is to us the whole world. Your foreign policy, your tariff policy, your fiscal policy are to us as dust in the balance compared with the one question whether the white man is to rule or the negro is to rule in the South; and this continual reference to this matter, I do not care who the Senator may be here, does not, in my mind, give evidence of the spirit that is tolerant of civilization, of Christianity, of good government, or of good order in society.

The negro has not a warmer friend in this country than I am. I was born on a cotton plantation and I was nursed at the breast of a black mammy, who afterwards died on my plantation, cared for as she had never been before in her life. I looked always with affection upon those employed about me. I never mistreated a single one of them, and none of them will ever lodge a complaint against me; but this does not prevent me from saying, as an intelligent human being, that it will not do for this Government to rest for a part of its foundation upon so unstable an element. It is like a quicksand. It will liquefy the very solid foundations of this Government if your substratum is that.

They are here, and their being here can not be prevented. We must deal with them as wisely and as humanely as we can; and we are trying, with all our might and main, to do that thing; but continually somebody abroad, not involved in the real horror of the situation, throws obstacles in our way, accuses us of oppression, and accuses us of having adopted a constitution which disfranchises them. It is not true. There is nothing of the kind there, though we are denounced. Why do not gentlemen inform themselves and not come in here and make such accusations as were made here the other day by the very genial, accomplished, and distinguished Senator from New York [Mr. DEPEW], without any knowledge whatever of what he was talking about, all sorts of machinery invented in his own mind, or taken from some newspaper, or from a dim recollection of what he had seen in some newspaper report.

I ought not to talk so long on that subject, and I beg pardon of the Senate for having done so; but I have been unwillingly dragged into a discussion of that matter because I owe a duty to the people who sent me here to speak when their honor is assailed—when it has been assailed without provocation, when I have not participated in this debate, when I have not yet uttered a single word concerning the right of suffrage in the Philippines, and have never expressed a wish that was contrary to the success of the American Army, but, on the contrary, speaking always with respect of the American Army. I have put myself in the attitude of endeavoring to bring about a compromise between the two parties, because I said neither one of their plans suited me.

I made a speech when the other bill was pending, the bill of the Senator from Wisconsin [Mr. SPOONER], I believe, which we settled some time ago, when I did animadvert upon the relations we are to enjoy politically with these people. But if all these things are true that are reported, if the things that are admitted by the gentlemen on the other side of the Chamber are true, then I want to ask you what is the compensation for holding on to the Philippine Islands?

We have seen the expense in the last four years of the Army and Navy mount from scores up to hundreds of millions of dollars. We see what it is this year, and we do not know that it is going to decrease soon. On the contrary, if we are wise we will increase our Navy, and we will necessarily be compelled to do so if we use any wisdom or precaution. To think, after having projected ourselves into the future storm center of the commercial world, that we are going to escape its accidents is beyond the lunacy of hope. So we have got to be prepared to meet them, and I do not see how you can diminish your Army or reduce your Navy; but, on the contrary, I see every reason why wise government should increase both if you intend to persist in this policy in the Philippine Islands.

I do not want all that added to the burden of the working people of this country. I do not want an occupation of those distant islands, that is indurating the character of the good soldiers that we send over there, even such good men as poor old Smith. I understand that he himself was compelled by circumstances to issue an order to which his whole soul must have been repugnant.

Have we arrived at the bottom? No; for below the lowest depth there is a lower deep, and we are going down; *facilis descensus Avernus*.

I am not talking from a party standpoint; I am not talking from a political standpoint, nor have I ever done so upon this question; but I am talking because I love my country, because I love humanity, and because I love liberty in the abstract as well as in the concrete as applied to myself and to my own motions.

For that reason I would implore the American Congress and the American people to consider the situation in which we are involved and to get out of it. Whether we will get out of it honorably is not the question at all. We can get out of it, because we are so mighty we can do anything we choose. A weak people might consider the loss of prestige; but not so the American Government. The Government of the United States has so preeminent a position before the whole world that it can dare do right, and it is so rich and so abundant in all its commercial blessings that it can afford to be generous.

When we consider these questions we must think about ourselves and about what the effect of these things must be in the reflex action upon ourselves. The dyer's hand is dyed with that in which he works. Rome had no gladiatorial combats until it became a great subjugating power; then the Romans grew hardened, until nothing but the spilling of blood could furnish a Roman holiday.

In every nation in the world, while war brings out manly qualities and great qualities—devotion to country and self-abnegation—yet, when it is persisted in against a weak country in a cause not entirely just the effect may be extermination of the one and the degradation of the other.

Mr. President, the questions in the bill as it stands I had not intended to speak upon to-day at all, but if this debate continues I think I shall. I have been suggesting to myself some things as the discussion has proceeded here which I expect to say. I have now only consumed a few minutes, for I am not able to speak longer. I shall ask the indulgence of the Senate at some other time to continue these remarks.

Mr. McCOMAS. Mr. President, I propose to occupy but a few minutes—

Mr. FORAKER. Will the Senator yield to me just to give a notice?

Mr. McCOMAS. Certainly; I yield to the Senator.

Mr. FORAKER. I desire at some time during this debate to make some remarks on this question. I understand there are some other Senators who desire to speak to-morrow and the next day. I therefore take advantage of this opportunity to give notice that at the close of the morning business on Monday next, with the indulgence of the Senate, I shall then make some remarks on this bill.

Mr. McCOMAS. Mr. President, it is true, as the Senator from Mississippi [Mr. MONEY] has said, that we served together for years in the House of Representatives, as we serve here now, and that there is no reason, and there shall not be cause, to change those pleasant relations.

He omitted to read a part of my speech, which speech was not written twelve times, but only a few hours before my remarks were submitted to the Senate. My honored friend Senator BERRY, from Arkansas, called my attention to an error in my statement that most of the Democratic Senators had voted to ratify the treaty, when I had orally said some had so voted, and I made the correction. Because of that printed inaccuracy the Senator from Mississippi has repeated that statement.

The Senator complains that I made reference to his voice as "tearful." On this occasion, after having heard the Senator from Mississippi, I am prepared to withdraw the expression and to substitute for it any other which may be agreeable to him—cheerful, animated, bright, bird-like, or any other phrase.

I certainly had no motive in using the word "tearful" except to say that when he once complained about Filipino people being governed without their consent in perhaps a lugubrious tone, he did not mention the other Filipinos in Mississippi, the half of the people who are there governed without their consent.

I wish the Senator had read enough of my remarks to learn that I said—and I think I repeated it—that I had not yet heard any Senator who had been a soldier, any Senator who had worn the gray or who had worn the blue, rise in his place and rail at the American Army.

The Senator from Mississippi was a Confederate soldier. He discussed this Philippine government question on the Philippine tariff bill, on the substitute of the minority, which was not germane; but the Senator did discuss this question, and I say to his credit, he did not rail at the Army, and my remarks still hold good.

He was a Confederate soldier, and I have not yet heard a Confederate soldier, including the Senator from Mississippi, rise here in his place and rail at the American Army. I wish the Senator had read that remark in my speech.

Another thing. I thought the Senator might find he erred in his statement when he complained that I said he used, in speaking of the Filipinos, the phrase, "Let them go to the devil;" and thereupon I remarked that that was not constructive statesmanship. The speech of the Senator shows that he is not now proud of that phrase in his speech and is ready to agree with me that to let the Filipinos "go to the devil" is not constructive statesmanship. It is too easy.

I heard him make the remark and I heard the Senator from Ohio call his attention to it. The Senator states that, upon reflection, when he came to write the speech that he made a change and struck out the phrase which I had heard. I will say to the Senator that while it occurs frequently that I hear his remarks with pleasure, I do not always afterwards read in the RECORD what he has said. I only hear what he has said. It may be that the distinguished Senator from Mississippi—

Mr. MONEY. If the Senator will excuse me, I never see the stenographer's notes until printed in the CONGRESSIONAL RECORD, and not always then; but after my speech was reported I said to the stenographer that I thought the expression was a little harsh and that it had better be omitted. I do not wish the Senator to understand that I feel that it is an important point in etiquette or against good manners, but I did not care to have that language printed in my speech.

Mr. MCCOMAS. I accept what the Senator says now as to the notes of the stenographer. If I had known that, I should have been very well satisfied and left it out myself; but now, because the Senator thinks he should withdraw his remark as to the Ishmaelite, "Let him go to the devil," that it is not applicable to this discussion, certainly on his suggestion I withdraw it. Let us unite in trying to prevent the Filipino from going that way.

I meant no personal reflection upon the Senator from Mississippi, but I can not withdraw some facts of the census which I presented. I did say in that same connection that the Senator's State had only cast a vote of 3.8 per cent of the total population of that State. I remembered the remark of the Senator from South Carolina [Mr. TILLMAN] about the small per cent who were to vote in the archipelago under elections held by the Commission. This I could prove to the Senator from Mississippi if I could now take the time to do so.

In the discussion on the first Philippine bill following the remarks of the junior Senator from Colorado [Mr. PATTERSON], who complained that only 5 per cent of the people of the Philippine Islands could vote, or were allowed to vote, and that it was a monstrous thing to support a government with but 5 per cent of the people allowed to vote, I think I can say to the Senator from Mississippi, and I am not in error in saying it, that he then expressed concurrence with the Senator from Colorado and objected to a government with such a limited suffrage as that. Such objection came with ill grace from that quarter.

I repeat, it is startling to observe that after one hundred and eleven years under the Constitution of a popular government, after more than a century, there are States in this Union where of the whole population in the last election for President not more than 3.8 per cent of the population, where we have established a government of the people, by the people, and for the people, a government by the governed, with their own consent—that not more than 3.8 per cent in the two great Commonwealths of South Carolina and Mississippi voted for President in the year 1900.

I will add to those figures these: That in the State of South Carolina by the present census there are found to be 130,375 white males of voting age and 152,860 negro males of voting age, and yet in that election, where the consent of the governed was taken away, only 50,815, not one-fifth of the population of voting age, voted.

Now, I am not going to say unkindly what I do say, but this is a fact, and I will ask, What does it mean? It does mean much, but I do not stop now to comment upon it. In Mississippi, from the census taken in June of the year before last, it appears that there are 150,530 white males of voting age and 197,936 negro males of voting age, and yet in the last election, which was one of the most momentous and important which has ever occurred in this country, in the election for Chief Magistrate, there were returned but 59,103 votes as having been cast in that State.

My argument was not intended to stir up the negro question, but to point the contrast, an inquiry as to what weight should be given to the complaint of Senators from States where the suffrage was only a vestige of popular government, and yet such Senators were eager for government by consent of the governed among our antipodes, when only 3.8 per cent of the whole population at the end of that century are voting in two States of this country. What becomes of the desire of Senators that all men should be governed by their consent, and that no man is good enough to govern another? The condition at home provoked me to speak of this disparity.

I assume the Senator from Mississippi thinks himself sincere in his opinions, but it is impossible, with my habit of thought, to think that a man finding at home such scant suffrage should think 5 per cent of voters to population was such a bad beginning in the Philippines. What say you of our American Filipinos, if you have such uncommon anxiety lest only 5 per cent might be given the right to vote when we begin a civil government over in the Philippines?

Mr. President, I can not therefore withdraw the facts; I can not withdraw the statistics; I can not unsay my comment. The Senator has stated that this is not nullification under our Constitution. He has stated that the Supreme Court has decided the matter, and he has referred to the Williams case.

The Senator is a good lawyer and a very careful man. If he has not already found out, I will undertake to have him agree with me that in the Williams case the point was an inartificial and defective statement of the cause of action and a demurrer thereto, and the court held that the pleading only alleged difficulties that might occur under—not an allegation of the actual or necessary operation of the constitution of Mississippi—which thereby would violate the Federal Constitution, and in conclusion the learned Justice McKenna, in delivering the opinion, said "when it appeared that the constitution of a State in respect of its being in violation of the fifteenth amendment, when it appeared that it was in its operation a violation or that the law was administered with an evil eye and an unequal hand in its operation, then the court would pass on the question of the constitutionality of the Mississippi plan."

And there has been no decision whatever on that point. The time will come when that question, in proper form, will come up to be heard by that great tribunal, and it will decide whether or not these provisions, which take away from the governed the consent of the governed given them under the Constitution of the United States, are in the very teeth of that instrument which forbid such discrimination on account of race or color.

Mr. McLAURIN of Mississippi. Will the Senator from Maryland allow me to ask him a question?

Mr. MCCOMAS. Certainly; I yield to a question.

Mr. McLAURIN of Mississippi. What provision of the constitution of Mississippi is it that takes away the right of any citizen to vote?

Mr. MCCOMAS. At another time, Mr. President, if the Senator shall desire to put that question, I shall be glad to answer it. It is now half past 5 o'clock, and I will not go so far afield as Mississippi. I had rather proceed with the matter before us now.

Mr. McLAURIN of Mississippi. It will take but a moment for the Senator to refer to the section of the constitution of Mississippi.

Mr. MCCOMAS. It will take but a moment, but I will take the right moment to do it on another occasion.

Mr. McLAURIN of Mississippi. With the Senator's permission, I thought, inasmuch as he was referring to a provision of the constitution of Mississippi, that he had it in his mind and could refer to the section at once.

Mr. MCCOMAS. I have not the constitution of Mississippi in my vest pocket. If I carry a book, I try to carry a better volume than that. [Laughter.]

Mr. President, I myself was born and raised in a former slave State. I know the colored race. I, too, was nursed in my early childhood by a black mammy. I know the affections that arise in such cases, and I know they exist in the heart of the Senator from Mississippi.

But, Mr. President, that question is too wide for this time in the evening. I think Senators are almost too sensitive when they endeavor to dissociate their local Filipinos from the like problem elsewhere respecting dark-skinned people.

The problems are grave enough, God knows. I know they are grave and difficult, but I think the very people who are not solving with any success like Filipino problems at home in their own States should not be the first to rail at us who endeavor manfully to meet the problems in the Philippine Islands.

This country is united. What I have said is not sectional and is not meant to stir up sectional feeling or any rancor in the heart. I myself number and am proud to number among my friends and intimates, my relatives and companions, a great many gallant Confederate soldiers. I know many of them who are full of hope for our country in the expansion of our commerce and confident we must win credit and advantage in this new experiment across the seas. Many of the strongest and most earnest expansionists I know are among Confederate soldiers.

We speak of the States. I love my State, which has honored me, as the Senator loves the State of Mississippi. My kindred and my forebears for nearly two centuries have dwelt there. I love my State, but I love my country. I love to speak of my country. I take no pleasure in making unkind remarks in respect of States. But it is all our country—the men who wore the

blue and the men who wore the gray. When a man rises here to defend the sons and nephews and the brothers of the old Confederate and Union soldiers, shall he be told, when he says war is cruel, that he is reflecting upon some State?

I want to see some other rule of order here. I have heard men on this floor, as we have all heard them, when they are sensitive with respect to a single State, not sensitive in respect of the Union of all the States. Why should men here with bated breath speak about one State and then freely revile the 45 States—the Government of the United States.

Is it a rule of debate here that a man should bate his breath in criticising a State and yet be free, as an American Senator on this floor, to defame the American Army, defame the American Navy, traduce the American Executive, say that the Senate and the House are engaged in plunder and exploitation; that there is no good motive in the legislative and the Executive Departments; that the Government is going to destruction?

I think if there is reason why a Senator should not speak ill here of one of the 45 States, we have 45 reasons why he should not traduce the United States of America and should speak respectfully of the Government of the whole country and of all the States.

Mr. PETTUS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Alabama?

Mr. McCOMAS. I yield.

Mr. PETTUS. I simply desire to ask the Senator a question. He says we are now a united people. Does the Senator think it contributes anything to the Union to speak in this way with regard to a State in the Union about which he knows nothing except from what he reads in the papers and books? Does the Senator think it is the part of patriotism to try to tear us apart? We have been living as an inferior race; but we are Saxons, and we can not always live in that way. I merely call the attention of the Senator to the question whether he thinks it contributes to the Union to abuse a State or any part of the Union?

Mr. McCOMAS. The honored Senator from Alabama knows that I do not want to abuse a State. I am sure the Senator from Alabama does not desire that men on this floor with commissions from States should spend hours and days in the vilification and abuse of all the States, the great and glorious Union to which we belong.

Mr. President, I believe the time will come when Senators who will look carefully into this question will find that the idea of carrying the proposition of the consent of the governed to other parts of our possessions had better be left, with some patience and humility, to the brave, honest, and true men who are trying to work it out, and not to hamper them, not to decry them, not to suspect them.

I have listened with amazement to Senators who, having had the benefit of the testimony taken in the Committee on the Philippines, have cited none of the good things which in hundreds of pages are shown, of the achievements of our administration there, none of which have been repeated or commented on or applauded on this floor. But the little and the cruel things, or the iteration of the same cruel things, are brought here to blot and blur the picture of the splendid success we are there making.

The day will come by and by when Senators who are now timid, and who in their timidity are carping and criticising, will look upon the splendid work of our American administrators in the Philippines and they will wonder how it was that with their blind and perturbed vision they could not have seen clearly the good of their country, nor had hope for its future, nor reliance in the justness, the integrity, the humanity of that Anglo-Saxon race to which we belong.

At this late hour I will make no further reply to the observations of the Senator from Mississippi.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

Mr. MONEY. I think I am entitled to say a word or two after the speech of the Senator from Maryland. I can go on to-morrow if the Senator from Massachusetts prefers.

The PRESIDENT pro tempore. Does the Senator from Massachusetts withdraw his motion?

Mr. MONEY. It will take but a moment.

Mr. LODGE. If the debate is to go on I will withdraw it.

Mr. MONEY. Mr. President, I merely rise to say that I am very much gratified at what the Senator from Maryland has said about his intentions in the matter of his speech and of his feeling toward me, and also to mention the fact that I have not asked him to withdraw anything, and I never would ask him to withdraw a fact. The figures he states may be absolutely correct for all I know. I have not questioned them or asked him to withdraw them.

I have explained to the Senate more than once the reason for the small vote polled in the State of Mississippi. I explained it

in such a manner that it is impossible for anyone who did me the honor to listen to attribute it to anything but the indifference of a great many voters. The registered vote is 125,000. The voters do not choose to go to the polls, but they go to the primaries. There is no contest in the State. If there was as little contest between political parties in the State of Maryland as there is in the State of Mississippi the Senator would find that the vote at the ratification by the people at the polls would be just about as small as it is in the State of Mississippi. That is all I desire to say.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 9, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 8, 1902.

ASSOCIATE JUSTICES.

Frank E. Gillette, of Oklahoma, to be associate justice of the supreme court of the Territory of Oklahoma, vice John L. McAtee, resigned.

J. L. Pancoast, of Oklahoma, to be associate justice of the supreme court of the Territory of Oklahoma. An original appointment under the act approved May 2, 1902, entitled "An act to provide for two additional associate justices of the supreme court of the Territory of Oklahoma, and for other purposes."

James K. Beauchamp, of Oklahoma, to be associate justice of the supreme court of the Territory of Oklahoma. An original appointment under the act approved May 2, 1902, entitled "An act to provide for two additional associate justices of the supreme court of the Territory of Oklahoma, and for other purposes."

APPOINTMENT IN THE ARMY.

Artillery Corps.

Alphonse Strebler, of New York, first lieutenant Philippine Scouts, late sergeant, Company I, Forty-third Infantry, United States Volunteers, to be first lieutenant, September 23, 1901, to fill an original vacancy.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 8, 1902.

UNITED STATES ATTORNEY.

James K. Barnes, of Arkansas, to be United States attorney for the western district of Arkansas.

MARSHALS.

J. F. Emmitt, of Nevada, to be United States marshal for the district of Nevada.

Asbury S. Fowler, of Arkansas, to be United States marshal for the eastern district of Arkansas.

REGISTERS OF THE LAND OFFICE.

J. Henry Smith, of Sedro Woolley, Wash., to be register of the land office at Seattle, Wash.

Mathew B. Malloy, of Washington, to be register of the land office at Waterville, Wash.

Fred W. Stocking, of Olympia, Wash., to be register of the land office at Olympia, Wash.

RECEIVERS OF PUBLIC MONEYS.

Alexander J. Cook, of Clarke County, Wash., to be receiver of public moneys at Vancouver, Wash.

Miles Cannon, of Washington, to be receiver of public moneys at North Yakima.

Lyman B. Andrews, of Seattle, Wash., to be receiver of public moneys at Seattle, Wash.

James F. Thompson, of California, to be receiver of public moneys at Eureka, Cal.

APPOINTMENTS IN THE NAVY.

Mr. Cecil S. Baker, a citizen of Maryland, to be an assistant paymaster in the Navy.

To be passed assistant surgeons in the Navy, with the rank of lieutenant, from the 9th day of February, 1902:

William M. Wheeler.

Robert S. Blakeman.

Earle Mason Brown, a citizen of California, to be an assistant surgeon in the Navy.

Howard Francis Strine, a citizen of Pennsylvania, to be an assistant surgeon in the Navy.

Gunner Joseph R. Ward, to be a chief gunner in the Navy.

Robert Eustis Hoyt, a citizen of New Hampshire, to be an assistant surgeon in the Navy.

Joseph Paul Traynor, a citizen of Maine, to be an assistant surgeon in the Navy.

Gunner Charles Morgan, to be a chief gunner in the Navy, from the 17th day of October, 1901.

PROMOTIONS IN THE NAVY.

Commander Albert Ross, to be a captain in the Navy, from the 11th day of April, 1902.

Paymaster Charles W. Littlefield, to be a pay inspector in the Navy, from the 29th day of March, 1902.

Passed Assistant Paymaster John Irwin, jr., to be a paymaster in the Navy, from the 29th day of March, 1902.

Assistant Paymaster Hugh R. Insley, to be a passed assistant paymaster in the Navy, from the 29th day of March, 1902.

Paymaster William W. Galt, to be a pay inspector in the Navy, from the 10th day of April, 1902.

Paymaster Arthur Peterson, to be a pay inspector in the Navy, from the 10th day of April, 1902.

Passed Assistant Paymaster John H. Merriam, to be a paymaster in the Navy, from the 10th day of April, 1902.

Capt. Joseph B. Coghlan, to be a rear-admiral in the Navy, from the 11th day of April, 1902.

Capt. James H. Sands, to be a rear-admiral in the Navy, from the 11th day of April, 1902.

Asst. Surg. Will M. Garton, to be a passed assistant surgeon in the Navy, from the 27th day of July, 1901.

Asst. Surg. Alfred G. Grunwell, to be a passed assistant surgeon in the Navy, from the 7th day of July, 1901.

Asst. Surg. Cary D. Langhorne, to be a passed assistant surgeon in the Navy, from the 7th day of July, 1901.

Asst. Surg. Frederick L. Benton, to be a passed assistant surgeon in the Navy, from the 21st day of July, 1901.

Asst. Surg. William H. Bell, to be a passed assistant surgeon in the Navy, from the 16th day of September, 1901.

P. A. Surg. William C. Braisted, to be a surgeon in the Navy, from the 26th day of January, 1902.

POSTMASTERS.

Joseph E. Helfrich, to be postmaster at Carthage, in the county of Hancock and State of Illinois.

Elijah O. Lefors, to be postmaster at Bentonville, in the county of Benton and State of Arkansas.

Daniel Lynch, to be postmaster at Lowell, in the county of Lake and State of Indiana.

John C. Fudge, to be postmaster at Dunkirk, in the county of Jay and State of Indiana.

Miles K. Moffett, to be postmaster at Connersville, in the county of Fayette and State of Indiana.

HOUSE OF REPRESENTATIVES.

THURSDAY, May 8, 1902.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

MEMBER OF COMMITTEE ON APPROPRIATIONS.

The SPEAKER announced the following committee assignment:

Member of Committee on Appropriations—Mr. GILLET of Massachusetts.

ORDER OF BUSINESS.

Mr. KNOX. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12543, the statehood bill, and pending that motion, after consultation with all members who are interested in this matter, I ask unanimous consent that unless general debate be sooner concluded in Committee of the Whole that it end at 3 o'clock.

The SPEAKER. The gentleman from Massachusetts moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12543, the statehood bill—

Mr. BARTLETT rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. BARTLETT. Mr. Speaker, I would ask the gentleman from Massachusetts to withhold his motion for a moment that I may prefer a request about a matter not connected with this.

Mr. KNOX. Very well.

Mr. BARTLETT. I desire to ask unanimous consent that the minority members of the Committee on Banking and Currency have until to-morrow to file their views on the bill H. R. 13363, known as the Fowler bill, and in doing so I would state that this is perfectly agreeable to the chairman of the committee and to the majority members.

The SPEAKER. The gentleman from Georgia asks unanimous

consent that the minority may have until to-morrow to file their views on what is known as the Fowler bill, reported from the Committee on Banking and Currency. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Pending the motion of the gentleman from Massachusetts, he asks unanimous consent that, unless sooner closed, general debate be closed to-day at 3 o'clock. Is there objection to this request? [After a pause.] The Chair hears none, and it is so ordered.

The question now is on the motion of the gentleman from Massachusetts, that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12543—the statehood bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House for the further consideration of the bill H. R. 12543, with Mr. HEMENWAY in the chair.

ADMISSION OF OKLAHOMA, ARIZONA, AND NEW MEXICO AS STATES.

Mr. MOON. Mr. Chairman, but little remains to be said in support of this measure after the favorable presentation by the gentleman from Massachusetts [Mr. KNOX] and by the gentleman from New Mexico [Mr. RODEY]. Perhaps it ought not to be said that gentlemen are pledged to support this measure merely because their party platforms declare for the admission of these Territories as States in the Union, for it is possible that in the minds of some gentlemen conditions may have arisen which would justify them in the violation of the pledge made by their party in convention to the people of the United States. If, however, under a sound policy, if in common justice, the constitutional right to admission exists, then this House ought not to hesitate to exercise that discretion which is conferred by the Constitution and the law for the admission of these Territories.

Is there any sound policy that would deny their admission? Are the people of these Territories unlike the people of the States? Do they adhere to any doctrines in government that are in opposition to the principles of republican government? Is the Territory not sufficient in area to make a State? Is the population not sufficient to constitute a State? Are the resources of the country insufficient to support a State government? If so, then this House ought to exercise its judgment in opposition to their admission. If, however, these questions may be answered favorably to the Territories, it is the duty of this House to exercise that discretion which the law confers upon it and admit the Territories. As a matter of justice, taking into consideration the conditions that existed when six of the original States that formed the Union were made a part of it, and when twenty-six of the States that have been since admitted were admitted, it would seem that there ought not to be any hesitancy on the question of their admission; but, sir, the people of the Territories demand admission to the Union upon higher and broader grounds than mere public policy.

I assert, fearing not that it will be contradicted by any lawyer on this floor, that the moral right to admission exists now, and that the denial of admission is a denial of a right perfected under the Constitution. It has been determined by the court of last resort in the United States that when territory is acquired by the Union it is acquired with the ultimate purpose of statehood; that it is clothed with the inchoate right of statehood; that Congress alone has the right and the power to determine when the territory so acquired is fitted for statehood. This is a discretion that can not be overruled by any other power. It is vested in Congress alone. Yet it is not a mere arbitrary discretion; it is a semi-judicial, it is a legislative discretion which Congress is called upon to exercise when the conditions are such as to fit the Territory for statehood.

The facts, therefore, must be such as to invoke this legislative discretion in wisdom and in justice, and not arbitrarily. Hence, if the Territories are numerically sufficient in population; if the resources are sufficient; if they are imbued with the principles of republican government; if they desire admission, then the inchoate right which passed to the Territory at the moment of its acquisition has become completed under the law, and the right of admission is a clear constitutional right which the Congress can not deny without impugning its integrity and exercising the highest order of tyranny which any legislative body can exercise; for when a power is vested in a legislative body to be exercised in judgment and in justice, and that power is exercised arbitrarily, it is the most grievous form of public tyranny.

I will not review the facts, for they are supposed to be in the possession of every member in this House, having been so admirably and tersely stated in the report of the Committee on Territories, and clearly demonstrate the fitness of the Territories for States. Arizona, Oklahoma, and New Mexico are standing to-day at the bar of the American Congress with clasped hands. They come clad in the robes of organized American Territories, the indicia of political bondage. United in one petition, they ask at your hands the scepter of local self-government, the crown of

sovereignty, and the robes of statehood. Who are they? Whence do they come? They are not strangers to your shores, they are not strangers to your institutions, but nearly a million of American citizens, they rest on the bosom of the most fertile portion of the great American domain, rich in resources and magnificent in area. They have performed all the obligations which the law imposes upon them; they ask you to exercise that judgment and discretion which the law imposes upon you.

They come with neither armies nor navies nor other insignia of power, but a brave and virtuous citizenship, all that constitutes a great State. In the name of the Federal Constitution, which they have so long obeyed, they now ask its vindication. Under the shadow of that flag they have so long followed as the emblem of their country's justice and power, they have come to kneel at the altar of American liberty and as free States swear eternal allegiance to the Republic. [Applause.] What patriot will deny this privilege? What partisan is here to protest? Go fix their stars on the flag of the Union, and God grant that in the ages to come they shall burn as brightly as on their natal day, the symbols of States still sovereign, still free, undimmed by the glare and the glitter of imperial power. [Prolonged applause.]

And when they have taken their vows, that they may not depart from the paths of truth and freedom, teach them that liberty is not license, but consists in the power of doing that which just and constitutional laws permit. Tell them the sad but ever beautiful, glorious, and inspiring story of the march of their elder sisters from the night of despotism into the light of day. Warn them of all the dangers that beset the journey. Let them know that devotion to the principles of the Declaration of Independence and obedience to the Constitution is the only hope of the political salvation of the States and of the perpetuity of the Republic; that the Republic itself rests on the rock of the Constitution, and if you shatter not the Constitution the Republic can never fall.

Let them know that the greatest enemy to the Union is the unbroken and unbridled spirit of party partisanship, overriding justice in her tribunals, destroying freedom of speech in the legislative halls, and usurping power for the Executive; that profligacy and corruption are the children of intolerant party spirit; that no government can be purer than the people that sustain it; and that no corrupt people can long sustain a free government. Caution them that inequality in taxation, injustice in administration, legislation for the advancement of special interests, and the unauthorized assumption of power as the very essence of corruption are the potent powers in the destruction of free states.

And, Mr. Speaker, when they take their stand among the great Commonwealths that constitute this Union and look back upon its struggles, its tribulations, and its perils, let no page of that history discourage them, though upon it may be written in blood the infraction of individual rights and the desecration of Commonwealths, for these are but the cruel markers of the progress of a people's national growth, the index to the evolution of government. Let them understand that the high tide of danger can not come to American institutions until the limit of Federal power has been reached and exhausted, and the Government shall be still powerless to contend against the great and gigantic corporations that have grown beyond the control of law, and when it shall assume to itself inherent powers of sovereignty and no longer look to the Constitution as the source of power. Then, Mr. Speaker, and not till then, an imperial democracy may lift the crown of sovereignty from the people and place it upon the head of their tyrant, who in turn will deliver it to the people's oppressors.

If we shall avoid the approaching dangers—if we shall forever defend and protect those principles of free government for which brave men have ever contended—I warn you that the Federal Government must be strengthened by Constitutional amendment to the end that no power may exist within the confines of the Union that is greater than the Union itself; that every power under the Federal Constitution must be exercised to its full limit in the protection of the masses of the people; that all men at last may salute the flag, obey the Constitution, and move forward the march of the States in one great Union to that destiny that awaits them in a mighty Republic, where truth, justice, and law triumphs, and liberty like day breaks on the soul, and by a flash from heaven fires all the faculties with glorious joy. [Loud and long-continued applause.]

Mr. GROSVENOR. Mr. Chairman, I find myself in a somewhat anomalous condition; willing to support some portions of this measure and unwilling to support the balance. Therefore I find myself now constrained to refuse to support this bill as it has been reported to the House by the Committee on Territories. Doubtless it was apparent to the Committee on Territories that somewhere in this bill there is a weak spot, else there would have been no occasion for the massing together of Territories stretching almost from British America to the Torrid Zone in one grand com-

bination seeking votes for a measure which could not have received the votes of this House if submitted upon separate propositions.

I am aware that logrolling is an incident to modern legislation. I want to describe one of the old logrolling occasions of the frontier days of my boyhood, and show the House of Representatives that there is nothing new; that this measure has all the elements of the old-time raising or logrolling or grubbing bee. It was too big a job for the farmer and his boys to roll the logs on a given piece of clearing in the springtime, and he did not have any hired man, and there were a number of other neighbors in the vicinity in the same boat. They, too, had logs to roll, and they had too weak a force of their own to undertake the enterprise; and the result of it was all made a logrolling, and in that way the logs of neighbor A were disposed of on one occasion, B on another, and so on down to the end of the list. I find that these occasions have perpetuated themselves in more ways than one in this bill which we have before us. Some neighbors were too lazy or too shiftless to deserve any help, and yet if they could get in and could get themselves attached to the combination they could get their logs rolled in some way; and we find here suspicious circumstances that refresh my memory of the old times when the poor man—that is, poor in spirit, poor in industry, poor in everything except the genius to attach himself to somebody else—was able to get his logs rolled at the same time that the big man, the enterprising man, the industrious man got his logs rolled.

Mr. SMITH of Arizona. Did any of them get so mean that after they had got all their logs rolled they allowed their neighbors to do the rolling for themselves?

Mr. GROSVENOR. That depended upon circumstances.

Mr. SMITH of Arizona. When they got their logs rolled they quit the business.

Mr. GROSVENOR. I will show the gentleman how this occurs. It is quite important to get into the logrolling.

Mr. SMITH of Arizona. I want to hear it.

Mr. GROSVENOR. I want to show him that this claim, as put forward by the gentleman from Massachusetts, has no shadow of foundation in the history of this country or in the logic of the Constitution of the United States.

Mr. SMITH of Arizona. I will be glad to hear it.

Mr. GROSVENOR. I know that this is not the first omnibus statehood bill presented here. I recollect one in which I participated myself, and in favor of it I made a speech, and against which I found the substantial vote of the Democratic party; and they put it upon the broad, high ground, which they had a perfect right to put it, and which has been the true ground that has controlled the action of Congress ever since the foundation of the Government; that there were political reasons incident to the introduction of new States that made the Democratic party on this floor and in the Senate opposed to the introduction of those States. Now, then, the gentleman from Massachusetts tells us that this is not a political question. I tell him that is contrary to all the history of this country; it is contrary to every step of legislation that this country has taken in this behalf ever since the foundation of this Government from the time when the thirteen original States of the Union prescribed the terms upon which the three States to which he has referred should come into the Union, and all the other States from that day to this; and I lay down the broad sweeping proposition that from the days of the introduction of Vermont first, and Tennessee second, and Ohio third, and so on to the rest, this question has been a question of politics, and no statesman of that period ever hesitated boldly to put forward the proposition that he opposed or supported the introduction into the Union as an argument one way or the other of what the effect would be upon the policy and politics of the Union.

Mr. LLOYD. Will the gentleman state whether there was any opposition to the admission of the State of Ohio?

Mr. GROSVENOR. I do not know that there was.

Mr. LLOYD. You have just referred to Ohio as one upon which there was objection. There was no political objection to the admission of the State.

Mr. GROSVENOR. I have not made any such statement. I have said that Congress has insisted upon prescribing the terms on which these States should come into the Union.

Mr. LLOYD. And then referred to the fact that Vermont, Kentucky, and Tennessee, and Ohio were admitted under that kind of a provision.

Mr. GROSVENOR. I say that now.

Mr. LLOYD. Then the gentleman's statement must have conveyed the idea that men then voted with reference to the question of admission purely on their idea of politics.

Mr. GROSVENOR. I said nothing that sounded like it. I said that Congress prescribed the terms on which the State might come into the Union, and then I said from that day down nobody had hesitated to admit that it was a question of politics.

Mr. LLOYD. If I was mistaken, I desire now that the gentleman from Ohio should state upon what terms Ohio was admitted.

Mr. GROSVENOR. There were plenty of them. The enabling act was full of terms, and if the gentleman is ignorant of the fact that Congress on each occasion prescribed the exact terms upon which these States might come into the Union, I shall not deflect now and hunt up statutes that admitted the State of Ohio; but all the terms were prescribed with as much detail as we have in the bill before us.

Mr. LLOYD. The gentleman shows that he has not read the enabling act of his own State.

Mr. GROSVENOR. I have practiced law in Ohio from the time I was admitted in 1857, and I have found the land titles of the State prescribed and defined by the act of Congress admitting the State into the Union. I have found section 16, devoted to public schools, prescribed in the act of Congress admitting the State into the Union. I have found section 29, the ministerial section, provided for in the act of Congress admitting Ohio into the Union. That is not all that happened in the case of Ohio, and in the case of Tennessee, and in the case of Vermont. After the enabling act had been passed by Congress, Congress so far supervised the functions of the new State as to pass laws, notwithstanding the ordinance of 1787, passing an enactment extending the operation of the Constitution and laws of the United States out over the Territory then divided up and of which the State of Ohio was a part, showing conclusively that the State of Ohio was not exempt, notwithstanding that Ohio stood upon very different footing, as the gentleman will find when he reads the ordinance of 1787, from any of the States of the Union except the four other sister States that were carved out of the territory northwest of the Ohio and conveyed by the act of cession.

Mr. RODEY. Does not this bill provide everything with reference to the land?

Mr. GROSVENOR. Undoubtedly it does; and that is the line of my argument, to show that Congress has the right to dictate terms on which States shall come into the Union and prescribe the land titles and gifts of land and all the other things. For instance, the case of Utah; we made prescriptive declarations in regard to her constitution, in regard to her laws, and in regard to many other things that have been omitted in many of the other States.

Mr. RODEY. I do not think anybody has denied that here.

Mr. GROSVENOR. I am stating it, and it does not detract from the force of my statement whether anybody has denied it or not. My friend from New Mexico said a great many things yesterday that nobody denied.

Mr. RODEY. I am glad to hear it.

Mr. GROSVENOR. Congress went so far in the case of the ordinance of 1787 as to prescribe that these States should never go out of the Union. "They shall ever remain a part of the confederation of the United States of America, subject to the articles of confederation." The ordinance of 1787 was passed prior to the adoption of the Constitution. The ordinance was passed in April, 1787, and the Constitution was adopted in September of that year.

Now, then, the argument seems to be this. I have said, however, that from the foundation of the Government down to the present time, the question of politics has invariably found itself operating upon the judgment of Congress. Before the war when the great question of slavery and free territory was the great political question of the country, when it was determined upon the part of the lovers of freedom in the Territories that Kansas and Nebraska should become States of the Union, the battle of the South was made against the introduction of these States as free States, upon the ground that it destroyed the equilibrium of political power in this country. Nobody has ever been heard before to boldly deny it. Read the works of Benton of Missouri, one of the great men of his time, and see how fearlessly he puts forward the proposition that the whole question or the great question always turns upon the question of the politics of the incoming State into the Union.

So we admitted the State of Nevada into the Union for purely political purposes. There is not a man on this floor now, not even the distinguished gentleman representing the State of Nevada [Mr. NEWMAN], who will not candidly admit that the admission of Nevada was for the purpose of creating a preponderance in favor of the North side of the great question that was presented at that period when the State of Nevada was brought into the Union.

Mr. STEPHENS of Texas. Are not party politics defined in the party platform, or does not the party platform define what political principles are?

Mr. GROSVENOR. I am coming to that point, if the gentleman will allow me to proceed.

Mr. STEPHENS of Texas. Has not the admission of these Territories been supported as a matter of party policy in both the Democratic and the Republican platforms?

Mr. GROSVENOR. So have a great many other things that

people pay no more attention to than the barking of a dog in the morning.

Mr. STEPHENS of Texas. Then you declare on this floor that you pay no more attention to those declarations than to the barking of a dog?

Mr. GROSVENOR. I have made my declarations on this subject a great many times before. I do not allow myself to be bound by such a declaration of party policy. I will stop right here and say to the gentleman that when the chairman of the committee in the Republican convention reported those resolutions I was as near to him as I now am to the gentleman from Texas, and I do not believe there were ten men on the floor of that convention who knew that Mr. Quigg had injected any such thing as that into the platform of the Republican party at the time the platform was revised.

Mr. RODEY. But they knew it after it was read, did they not?

Mr. KNOX. Is there any substantial difference between the platform of 1900, when, you say, these resolutions were injected into the platform—

Mr. GROSVENOR. Yes; injected.

Mr. KNOX. Is there any difference between those resolutions of 1900 and the platform of 1896, adopted four years before? Was not the same declaration injected into the platform of 1896?

Mr. GROSVENOR. Well, when I get to that, I will try to talk about it.

Mr. KNOX. You have got to it now.

Mr. GROSVENOR. No; I have not. I am trying to get back to the question I was discussing in spite of gentlemen who go off into the woods and hunt up some question that has no bearing upon what I am saying, and with it try to break up my speech.

Mr. KNOX. I would not break up the gentleman's speech for the world. I want you to make your speech.

Mr. GROSVENOR. The gentleman from Massachusetts [Mr. KNOX] knows as well as I know that there has been a long line of clap-trap perpetrated by both parties upon this question of home rule and the introduction of States into this Union.

Mr. KNOX. I am a humble member of the party who does not know it.

Mr. GROSVENOR. I do. We have been saying for the past twenty-five years that we are in favor of home rule for the Territories, and Mr. Cleveland's Administration went into power upon that basis. Yet he sent Mr. Springer and almost everybody else that wanted a position out there to the Territories, until he had filled the offices all up with nonresidents. And our party, I will say to the gentleman from Massachusetts, is in no better historical position than is the Democratic party upon that same question.

Mr. KNOX. I think I have heard the gentleman take quite a different position sometimes in denouncing the Cleveland Administration.

Mr. GROSVENOR. Not on that question.

Mr. KNOX. Oh, yes.

Mr. GROSVENOR. Never. I will defy the gentleman to show it. The gentleman knows he can not find any such declaration.

Mr. KNOX. I have no doubt I can.

Mr. GROSVENOR. Oh, "no doubt" is another thing.

Mr. KNOX. I think I can show that the gentleman has been on very many sides of very many questions.

Mr. GROSVENOR. Well, you will always find me ready to defend any position which I take. I am not here to have any personal controversy with the gentleman from Massachusetts.

Mr. KNOX. Certainly not.

Mr. GROSVENOR. He has uttered a political and legal doctrine here that was bitterly opposed and denounced by Daniel Webster, and which has been opposed by every leading or distinguished Republican member of Congress, or of the judiciary, ever since the first introduction of new States into this Union. The gentleman has announced this doctrine—and I am ready to meet him upon that proposition at once—that the people of a Territory have a right to be admitted into the Union. I say there is no such thing, either in the law books or in the Constitution or in the declaration of any man on the floor of Congress, until the gentleman from Massachusetts made that declaration yesterday, nor is it in the platform of any political party, nor will it ever be repeated again except in furtherance of some measure of this character.

Now, let me read to the gentleman what jurists and statesmen of New England have said upon this identical question. Bear in mind what the particular position of the gentleman is:

Mr. STEPHENS of Texas. Will the gentleman yield for another question?

Mr. GROSVENOR. Yes, sir.

Mr. STEPHENS of Texas. I was going to ask the gentleman whether the treaty of Guadalupe Hidalgo did not stipulate that New Mexico should be admitted as a State?

Mr. GROSVENOR. Do you know what that treaty said? What did it say?

Mr. STEPHENS of Texas. Did it not say that New Mexico should be made a State in the future?

Mr. GROSVENOR. No. It did not say any such thing.

Mr. STEPHENS of Texas. Let the gentleman read the language of the treaty and see.

Mr. GROSVENOR. The trouble with the gentleman is that he undertakes to interrupt me and does not quite understand what he is talking about. The treaty said in substance that at a suitable or a proper time New Mexico should be admitted as a State.

Mr. STEPHENS of Texas. Is not fifty years—a half a century—a proper time?

Mr. GROSVENOR. I am going to show directly that that is a question for Congress. I take this position, that there is no such thing as a right, a political right—and that is what it must be, if it is anything—in the people of a Territory to demand admission into the Union of the United States, and their exclusion from admission into the United States, if done by the deliberate act of Congress, is conclusive upon all mankind, and this is in accordance with the history of the country from the foundation of this Government down to the present time.

Mr. RODEY. Will the gentleman from Ohio answer this question: Have the Territories, then, a right to secede from this Government if they are not admitted?

Mr. GROSVENOR. No; they have not.

Mr. RODEY. Then they can be kept in eternal bondage, notwithstanding the treaty provision of the Louisiana purchase in the case of Oklahoma and the provision of the treaty of Guadalupe Hidalgo in the case of New Mexico and Arizona?

Mr. GROSVENOR. They can, for the Supreme Court has said so within a very brief period. It has delivered the broad, sweeping proposition that the Territories of the United States, while parts of the country—I will read just what the Supreme Court of the United States has said on this subject—

Mr. RODEY. But are you advocating the doctrine that this Government ought to shut out the Territories of New Mexico and Arizona at this time?

Mr. GROSVENOR. Now, I do not propose to make my speech in pieces.

Mr. RODEY. I should be glad to hear from the gentleman as to that.

Mr. GROSVENOR. Now, the gentleman from New Mexico [Mr. RODEY] yesterday spoke away here by the hour, assailing everybody, abusing everybody, charging everybody with wrongdoing toward the Territory, and all that sort of thing, using language which I will show him has been repeated heretofore and been rebuked by one of the great Democrats of this country, and nobody interrupted him; and now I have not been talking about the treaty of Guadalupe Hidalgo, which the gentleman is trying to make me speak about, and I have not said a word about the nature of this Territorial relation to the United States, and yet the gentleman proposes to get up here and break into my speech in order apparently to disorganize my line of thought. I can tell the gentleman that he is fooling away his time. I know what I am going to say before I get through, and as I have an hour to speak in I shall use that time all up before I will be broken in in that kind of way.

Mr. RODEY. I will state to the gentleman that I have no desire to interrupt at all; all I desire to know is what he is advocating.

Mr. GROSVENOR. Here is what the Supreme Court of the United States says your Territory is, and you might as well understand it; and this identical language of the Supreme Court of the United States has been acted upon by the people of the United States from the days when they organized the Northwestern Territory and put into the Constitution the section that provided that Congress may make all needful rules and regulations for the government and disposition of Territories of the United States. Here is what the Supreme Court has recently said.

Mr. RODEY. From what does the gentleman read?

Mr. GROSVENOR. From the case of the *Gem of the Orient* the Philippine decision—

The Philippines thereby ceased, in the language of the treaty, "to be Spanish." Ceasing to be Spanish, they ceased to be foreign country. They came under the complete and absolute sovereignty and dominion of the United States, and so became territory of the United States over which civil government could be established. * * * Their allegiance became due to the United States, and they became entitled to its protection.

That is the condition in which your Territory has been for fifty years, and that is the condition in which every foot of the territory of the United States stands to-day by the terms of the Constitution.

Mr. KNOX. Will the gentleman yield to a question right there?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Massachusetts?

Mr. GROSVENOR. Yes.

Mr. KNOX. Do you not think that on account of that decision, placing the citizens of those Territories on a level with the Filipino and Porto Rican, it is time for us to emancipate them and make them American citizens? [Applause.]

Mr. GROSVENOR. Well, the gentleman shall not drive me to discuss the relative position of the citizens of the various dependencies of the United States. I could say some things on that subject that possibly would mar the feelings of the gentleman, and I will not do it. [Laughter.] I think the Spanish language is used pretty fluently in both sections. I think I could go a great deal further and point out to the gentleman a great many things, but I am not going to do that; I will not be driven into assaults upon the Territories or their people.

That, then, is the position of the Territories of the United States. Now, says the gentleman from Massachusetts [Mr. KNOX], they have rights that have been violated, and the gentleman from New Mexico [Mr. RODEY] would have you believe that the Government of the United States has been constantly oppressing and depressing these people out there. Here is what a gentleman said, that I believe in his day has been as good a lawyer as is my friend from Massachusetts, as clear-headed a statesman, and I will not say a greater one. When the Dakota bill was before Congress a nearly solid Democratic war was made against her admission. Why? Just for one reason, and one reason alone, and that was for the same reason that there will be a solid Democratic vote for this bill to-day. That vote was given in order not to strengthen the Republican power in this Government, and this vote will be given in order to strengthen the Democratic power in this Government, and I am not criticising the Democrats on this floor. It has been done in all the history of this country, and it has always been done bravely and openly and aboveboard.

Mr. BOWIE. By all parties?

Mr. GROSVENOR. By all parties, and I glory in it. I voted for the Dakota bill and urged the passage of the Dakota bill, among other things, because in my judgment it would be a Republican State. I did it exactly as the Republican party and the Whig party together introduced the State of California without a Territorial legislature or a Territorial organization, in order that the equilibrium of political power might be sustained in the Senate of the United States.

Mr. LLOYD. Is it not true that in the discussion of the Dakota bill that every Democrat who spoke on the bill announced the proposition that he was decidedly in favor of the admission of Dakota, and that the members of the Republican party who expressed themselves on the floor of the House insisted on the proposition that Dakota should be divided and that there should be two States instead of one.

Mr. GROSVENOR. Yes, and I will read you what was said at that time by a gentleman who was wide-awake and alive on that question. The gentleman from Missouri [Mr. LLOYD] was not here and he does not remember that battle as well as I do.

Mr. Springer led the matter through, to complicate matters, and insisted on a united State, and this was said to him, and he never denied it:

The bill having passed, Mr. Springer made a motion to amend the title, and upon that motion demanded the previous question; thereupon Mr. GROSVENOR asked unanimous consent to offer an amendment to the amendment, which was refused; thereupon debate ensuing upon the amendment to the title to the bill.

Mr. GROSVENOR said: Mr. Chairman, I wanted to have offered what I conceive to be the true title of this bill and one that would have conveyed to the people of the United States the idea which they have already formed. My amendment is as follows:

"An act to try to convince the people of Dakota that the Democratic party is willing that Dakota may come into the Union, but, in fact, to keep that Territory and all others which have a Republican majority out of the Union for an indefinite length of time."

Now, Mr. Chairman, the fulsome efforts as to the magnificent Territories of the Union by the gentleman from Illinois [Mr. Springer] will not deceive anybody as to what was and what is the deliberate purpose of the Democratic party on this floor. This bill to admit the Territories on this ground was reported to this House away in March last, and the gentleman from Illinois [Mr. Springer] and his party resisted at every step every attempt made here by the friends of Dakota to call up that bill or to assign any day for its consideration, and they went on in that way through the long session of Congress, baffling every effort that was made by this side of the House to admit Dakota into the Union of States, and that long session, which extended away past the middle of October, ended without a single effort being made by the Democrats to act upon this bill. They presented a solid front in opposition to the admission and in opposition to everything that would enable us to act on any one of the Territories. But gentlemen have heard a voice, not "as one crying in the wilderness," but it has been the voice of a magnificent uprising of the same people whom the gentleman from Illinois now so fulsely and eloquently describes.

That was what was done precisely, and if the gentleman will wait for a moment I am going to read from a bitter speech made by a leading Democrat against the admission of any part of Dakota into the Union.

Mr. THAYER. Will the gentleman yield to me for a question?
Mr. GROSVENOR. I would rather not, but go ahead.

Mr. THAYER. I heard the gentleman state a moment ago that the Democratic party would vote for the admission of these three Territories because thereby they would receive an advantage from it. Is it not true that two of these Territories are represented by Republicans, and if they are made into free States the Republicans would have four Senators, while the Democrats could get but two?

Mr. GROSVENOR. Does the gentleman believe that statement? [Laughter.]

Mr. THAYER. Is it not a fact? Is it not a fact that New Mexico and Oklahoma are now represented here by Republicans on this floor at this minute?

Mr. GROSVENOR. And is the gentleman dissatisfied about it? [Laughter.]

Mr. THAYER. No; I am not objecting to that.

Mr. GROSVENOR. And the gentleman's district, that is now represented by a Democrat, is that a Democratic district? [Laughter.] But if the gentleman will allow me to go on—

Mr. THAYER. They are pretty well satisfied.

Mr. GROSVENOR. I do not know whether they are or not.

Mr. THAYER. There are many things the gentleman does not seem to know.

Mr. GROSVENOR. I am more than evened up by the gentleman from Massachusetts. [Laughter.]

Mr. THAYER. Will you answer that question?

Mr. GROSVENOR. Let me read what I undertook to read some time ago. I will read it, if the Lord spares me, if it takes a couple of weeks. [Laughter.]

Mr. THAYER. You are imitating TILLMAN. [Laughter.]

Mr. GROSVENOR. Not with a pitchfork. [Laughter.] On that very identical question we have presented here, the right to come and demand, in the language of the gentleman from New Mexico, to come and shake your fist in the face of Congress and demand as a right, vested somewhere and by somebody, that you are to be admitted into the Union. That was the question in the Dakota case, after we had succeeded in pulling it through the House of Representatives and it got over into the Senate. I do not remember whether it was a Democratic Senate or not.

Mr. RODEY. Did the gentleman ever admit—

Mr. GROSVENOR. I am going to read this paragraph.

Mr. RODEY. I desire to ask the gentleman if he will not yield to a question?

Mr. GROSVENOR. Well, go ahead.

Mr. RODEY. You will admit that the Dakotas did not have a treaty like the treaty of Guadalupe Hidalgo, with a specific provision that they should be admitted some time?

Mr. GROSVENOR. Just as binding as the treaty of Guadalupe Hidalgo.

Mr. RODEY. Where did it come from?

Mr. GROSVENOR. It was inherent in their admission as one of the Territories of this Union.

Mr. RODEY. But is not the specific provision that we shall come in, and be admitted at some time—is not that something in addition to the inherent right of the Dakotas?

Mr. GROSVENOR. If you admit the argument of the gentleman from Tennessee, which I do not, in the language of Justice Taney, of the Supreme Court of the United States, that there is no power in the United States to acquire territory only for the purpose of making them States, which I, of course, do not admit, and which I deny, the gentleman has placed himself upon that, and that is the position which you must occupy before you can demand anything at the hands of Congress. You do not stand, therefore, upon any higher ground because of the difference growing out of the treaty of Guadalupe Hidalgo than did the Territory of Dakota, which was acquired for a State. Now, if the gentleman will look at the treaty between the United States and France, under which we acquired the Louisiana purchase, he will see that the people of North Dakota and South Dakota stood upon rights quite equal in all respects with the people in New Mexico, barring the section to which you refer and to which I will come directly.

Mr. RODEY. I will state to the gentleman right here that I do not think that the agreement under which the Dakotas were made a part of that purchase gives them any less rights than the treaty of Guadalupe Hidalgo.

Mr. GROSVENOR. Well.

Mr. RODEY. But do you deny that the people who organized and constituted the Territory, who then resided in it, were assured that at a time to be determined later on by Congress they were to be admitted to the enjoyment of all the privileges of citizens of the United States?

Mr. GROSVENOR. I am coming to that treaty in a moment. I shall not dodge anything if I can help it. I was discussing

here and I shall pick up here for the third or fourth time the identical question which the gentleman from Massachusetts and the gentleman from New Mexico spoke about—precisely the idea here that was discussed in the Dakota case, and which was insisted upon at that time by one side of the House and sturdily denied on the other side of the House; and Mr. VEST, of Missouri, one of the ablest lawyers in the Senate to-day, barring the consideration of his feeble health, took issue with the gentleman from Vermont in the idea referred to, and utterly denied that the people of the Territory had any right to demand anything at the hands of Congress, and argued it plainly and thoroughly, that it was simply a question of grace upon the part of Congress to admit a Territory or prescribe as they might the terms upon which it should come in, and then, in order to fortify himself, he turned to the declaration of the gentleman himself, and here it is:

There is no inherent right in the people of any Territory to be constituted into a State. Congress may never organize a Territory at all; it may never dispose of its public lands there; when organized it may keep it in the perpetual condition of a Territory if it pleases, because all the considerations which govern such questions are considerations which merely appeal to the ordinary legislative discretion of the lawmaking power, and therefore every circumstance and consideration which enters into the fitness of the thing itself which is proposed to be done is a matter that we have no right to set aside.

Now, that is the doctrine laid down by the distinguished jurist of Vermont, Senator Edmunds, and which was stated with approval by Mr. VEST, of Missouri, and I say has been the law unquestioned of this country from the day that the thirteen States of this Union prescribed that Congress might provide for the admission of States into the Union. Therefore the whole argument made yesterday does not come up to the question of fitness and propriety and discretion, and falls to the ground.

The treaty of Guadalupe Hidalgo was made between the Government of the United States and the people of Mexico. As a matter of course, the people of the ceded territory acquired, by comity at least, the rights that have been stipulated between the Government of Mexico and the people of that territory. Now, the argument is made that because of the language of the treaty there is some special claim that takes out of the rule laid down by Judge Edmunds the people of that territory and gives to them a better right to come into the Union than the people of the territory acquired under other circumstances.

Now, let us see how long that argument will bear investigation. In the first place this treaty was made in 1848. Construction, action, things done under acquiescence, cut a great figure in construing the language of documents or contracts of every character, and especially a document the character of which is a treaty between two countries foreign to each other.

The language of the treaty, which I will get directly, I hope, confers upon Congress, and Congress alone, the power to say when this Territory shall come into the Union as a State. Now, what has been the conduct of the contracting parties? We have never heard a word of complaint from Mexico, and doubtless Mexico, it will be said, had no power to complain. We have stipulated certain things, not alone the introduction into the Union as a Territory, but the question of the right of a Mexican to withdraw and expatriate himself from that Territory, and the right to stay there for a year, I think it was, and exercise his right of choice at any time during the year. We had a great many other things of that character—providing for religious freedom and for taxation and for a great many other things that enter into treaties—and it was stipulated that this Territory should be admitted into the Union, the language being in effect "when Congress saw fit to do it." Now, what has been the construction put upon the language of that treaty by Congress itself? Well, it is enough to say in the start that it has been fifty years since that took place, and men have come and men have gone, and yet that Territorial condition has gone on, not forever, but for fifty years.

Congress has exercised the right, and it has come to be the law of the United States in its treatment of New Mexico, that New Mexico had no voice in fixing the time when she should be admitted into the Union. Congress has acted upon that for fifty years; acted under a strict treaty stipulation that clearly gave to Congress the power and the discretion of acting as it did act, and it is too late in the day now to come here and say that Congress is bound by that treaty stipulation and that the time has now come.

Now, that is all I wish to say on that subject. I do that to defend both Democratic and Republican Administrations, for during this period of fifty years we have had Democratic Presidents and Republican Presidents, Democratic Congresses and Republican Congresses, and they have made a history of construction, a record of construction, of that language of the treaty which can not to-day be upset by any appeal to the judgment of Congress to override the history of the country for the past fifty years.

Mr. RODEY. May I ask the gentleman a question?

Mr. GROSVENOR. Well?

Mr. RODEY. Is the gentleman aware that the State of Arkansas, when it came into the Union, at first attempted to get in by adopting a constitution straight out, and stated that it required no enabling act to have it admitted under the treaty of the Louisiana purchase?

Mr. GROSVENOR. How did she get along? Did she get in?

Mr. RODEY. Congress thought it better to pass an act, I think.

Mr. GROSVENOR. We have had a good deal of that, and, coming down to facts, all the Territories of the United States are property of the United States and subject to the will of the United States, as expressed in Congress. There is no power, either in the treaty or the law, to control the discretion of Congress in that behalf.

It is very clear from the language of the treaty that it was intended that there should be a discretion exercised by Congress; because if that had not been the purpose and intent of the treaty, it would have been declared in plain words that this Territory should be admitted into the Union as a State at once. A gentleman near me has very kindly furnished to me the text of the treaty, and I will read it:

The Mexicans who, in the Territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States and be admitted at the proper time, to be judged of by Congress, to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution, and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property and secured in the free exercise of their religion, without restriction.

There was the old doctrine that made its appearance within the knowledge of our commissioners that under no conditions would they stipulate that any country or territory could come knocking at the door of this political corporation, the United States, and demand membership in that corporation, without the agreement or consent of Congress. And so they were careful to say that the "proper time" should be "judged by Congress," exercising a reasonable discretion to be decided by the majority of the people of the United States, acting through their legitimate representatives.

Now, then, Mr. Chairman, I have not discussed the merits of this bill, because I have been trying to answer these arguments which were put forth here yesterday—arguments which upset all the bases upon which legislation and treaty had before been established—which overturned the action of Congress declared over and over again—arguments which nakedly hold that the people of a Territory have the right to come and demand admission into the Union by virtue of a stipulation in a treaty or upon some other ground, of which they themselves are to be the judge.

Let me say to you, gentlemen, that whatever may be the result of this issue, the Congress of the United States fixes the terms of the admission of States into the Union. Our Union is a political corporation made up originally of thirteen States, and no State has ever been admitted into this political corporation except with the consent and by the act of the legally constituted agent of that corporation. No Territory has any more right to demand admission into the Union than has any other body of men anywhere on the earth, as a matter of political or legal right. The whole question turns upon what is the proper, what is the right thing to do under all the circumstances.

Population has a great deal to do with the case.

Mr. GROW. Will the gentleman allow me to bring to his attention a decision of the Supreme Court of the United States on this point?

Mr. GROSVENOR. I am very glad to yield to the gentleman for that purpose.

Mr. GROW. I do not remember the name of the case, but when Judge Nelson was on the bench that court, in an opinion written by him, decided that the inhabitants of the Territories of the United States hold their political rights as franchises in the discretion of Congress.

Mr. GROSVENOR. That is it, and that has been the law of our country from the beginning down. It has never been disputed in my hearing on the floor of Congress until yesterday.

Mr. RODEY. One other question, if the gentleman pleases. Does the gentleman contend that under that language of the ninth section of the treaty of Guadalupe Hidalgo Congress, no matter how well fitted New Mexico and Arizona may be, can keep them out of the Union forever without violating that provision of the treaty?

Mr. GROSVENOR. That question answers itself. Congress can do anything that you can not compel it not to do.

Mr. RODEY. That does not answer my question.

Mr. GROSVENOR. Suppose Congress should go on for another fifty years and continue to refuse admission to New Mexico,

can you force Congress to take such action? Is there any writ of mandamus that can operate in such a case?

Mr. RODEY. I did not ask that question. I asked whether or not, in the gentleman's opinion, it would be a violation of the ninth article of the treaty of Guadalupe Hidalgo for Congress in that way to refuse admission to New Mexico and Arizona?

Mr. GROSVENOR. It certainly would not.

Mr. RODEY. No matter how well fitted the people of those Territories might be for admission?

Mr. GROSVENOR. That is a question for Congress to decide, and there is no appeal from that decision. The trouble with my friend is that he has an idea—and the gentleman from Massachusetts [Mr. KNOX] laid down that proposition—that Congress is merely a sort of agency that can be coerced in some way to do a thing which is in fact left to their own discretion, there being no power on earth that can affect their discretion.

Mr. KNOX. Will the gentleman allow me a question? Has he not confused the question of legal right with the question of moral right? Does he claim that in my address yesterday I maintained that a Territory has a legal right to insist upon admission to the Union upon its own application?

Mr. GROSVENOR. I do not know that the gentleman used the words "legal right."

Mr. KNOX. Have you not set up a man of straw for the purpose of knocking him down?

Mr. GROSVENOR. I am glad the gentleman is getting a little tired of that straw man.

Mr. KNOX. Oh, no; I refer right to my speech.

Mr. GROSVENOR. The gentleman never made any such distinction, and the gentleman will find in the notes of his speech when he gets them—

Mr. KNOX. They are already published.

Mr. GROSVENOR. That he uses the word "rights," and he does not draw any distinction between a legal and a moral right.

Mr. KNOX. The very fact they are here asking for admission shows the legal right. What is the use of arguing that?

Mr. GROSVENOR. Shows what?

Mr. KNOX. Shows that they can not get admission without the act of Congress. What is the use of arguing a proposition of that kind? Everybody concedes that.

Mr. GROSVENOR. That is what I thought all the time that the gentleman was speaking yesterday.

Ms. KNOX. I never made any such claim and no one can draw any inference from my remarks. We claim they have the moral right to be admitted under the language of the Constitution, and I do not believe there is a man on the floor misconstrued my language, and I do not believe you did.

Mr. GROSVENOR. I will take occasion, if the House does not object to it, to criticize and analyze the argument of the gentleman on that very point. Let us see where the moral right comes in. That is the weakest spot in the whole of the gentleman's argument. That is fallacious beyond my power of description. A political right now is sought to be asserted, the right of a State to come into the Union and force itself into the councils of a great nation and be put upon an equality with the other States in the power that it has in the Senate of the United States, and that now is called a "moral" right.

Mr. RODEY. Will the gentleman permit me another question?

Mr. GROSVENOR. It is a moral right to override a political question and to do away with the necessity of a legal right. Why, the argument of the gentleman falls to the ground in a moment. What moral right has a man to come and ask a favor, and if a man has not a right to come and ask a favor from another that is based on no consideration, what right has a Territory to come, when they are themselves organized under the provision of the Constitution of the United States that says that Congress alone shall admit States into the Union—what right have they to come here and assert a moral right that is solely addressed to the discretion of Congress?

Mr. KNOX. Does not the gentleman agree that a man may have a moral right and something which he can not get without the action of the power which confers it? And does not the gentleman see the distinction?

Mr. GROSVENOR. No; it is not plain to me.

Mr. GILLET of Massachusetts. If there is a moral right, when did it begin? If there is a moral right, was there a moral right forty years ago?

Mr. GROSVENOR. Of course.

Mr. GILLET of Massachusetts. At what particular time did that moral right cease?

Mr. GROSVENOR. Morals ripen with age. [Laughter.]

Mr. RODEY. I would like to ask the gentleman a question. When the treaty of Guadalupe Hidalgo was made, was it not made with reference to the 60,000 citizens of Mexico that were then in the territory?

Mr. GROSVENOR. I suppose so.

Mr. RODEY. It is reasonable to suppose that the Mexican Government, which was one of the contracting parties, and the people left in New Mexico believed that they would have to wait, under the terms of that article that you have just read, until all of those citizens living in the land then ceded to this country died before getting the rights given by that section.

Mr. GROSVENOR. I suppose they have nearly all died.

Mr. RODEY. Yes; they have died without their rights being granted, owing to the neglect of this Government, but can that section of the treaty be so construed as to mean that?

Mr. GROSVENOR. Yes.

Mr. RODEY. Well, that is a doctrine that what little intelligence I have prevents me from subscribing to.

Mr. GROSVENOR. It has been construed by the only power that can construe it. There is the trouble. It has been construed for fifty years by the power that your grantor agreed should be the power to construe it.

Mr. RODEY. Then does the age of a wrong make it a right?

Mr. GROSVENOR. I am not talking about your moral wrongs or your moral rights.

Mr. RODEY. I thought you were.

Mr. GROSVENOR. There is the position you find yourself in. Your grantor has stood by for fifty years while that power that was charged with the discretion in the case has held distinctly that they would not admit this Territory into the Union, and your people had the right for a year with their eyes wide open to leave that Territory and not become citizens of the United States, if they saw fit to do it, and they stayed there for a year and they bound themselves to recognize the discretion vested in Congress, that Congress might act when it got ready, and I deny that upon a question of politics, a question of the political rights of a State, and the political relations between a State and a Territory, there is any question of moral right that can rehabilitate a broken reed of a political claim. I agree with John Bright that the moral law applied to the conduct of nations as well as to the conduct of individuals. But the maxim does not apply here.

Mr. RODEY. Then why do you not vote for its enforcement on the part of the United States here?

Mr. GROSVENOR. Because I deny that you have any such moral right.

Mr. RODEY. You deny that the ninth article of the treaty means anything?

Mr. GROSVENOR. It means just what it says.

Mr. WILLIAMS of Mississippi. Is the discretion vested in Congress an arbitrary one?

Mr. GROSVENOR. It is one that can not be controlled.

Mr. WILLIAMS of Mississippi. Of course it can not be controlled.

Mr. GROSVENOR. My friend is a lawyer. It is a vesting of a discretion without any power to control it.

Mr. WILLIAMS of Mississippi. There is no doubt about that; but does the gentleman think that it ought to be arbitrarily exercised?

Mr. GROSVENOR. That answers the whole of it. If there is no power to control it and Congress itself will not act, then the presumption—the strong presumption and the reasonable presumption—is that Congress has acted wisely for fifty years.

Mr. WILLIAMS of Mississippi. Does the gentleman mean that an uncontrolled discretion is a wise exercise of it?

Mr. GROSVENOR. Not at all; but every case stands on its own bottom, and when it is a question of the introduction of a political factor into a political corporation that corporation has a right to act, and its discretions can not be challenged by the man who wants to come in.

I was going on to say that the question of population and availability for future settlement strongly affects the question of the propriety or the nonpropriety of the introduction of these new States into the Union. Actuated upon this ground, while I believe and think I know that the Territory of Oklahoma would come into this Union as a Democratic State and will send two Democratic Senators and two Democratic Representatives—and I have it from an authority that knows more about it than my friend from New Mexico [Mr. RODEY], many times more, that I am absolutely right in that judgment—yet, notwithstanding all that, under the circumstances of the rapid growth of that Territory, the splendid results that have grown out of the emigration into that Territory of a great body of capable and competent citizens, the fact of her wealth of soil, and especially the rapidity of her growth, I would cheerfully join to vote for a single bill for the admission of Oklahoma into the Union and stand my chances to be criticised, even if the growth of Democratic power should be thereby enhanced.

But, Mr. Chairman, as far back as the admission of Ohio into the Union, that my friend says was never resisted, as far back as the organization of the Northwest Territory, wise men from the

East—quite as wise but no wiser than the gentlemen who come from the East here now—called attention to the growing disparity of numbers in the Senate of the United States.

A section of this country has the right to discuss that mighty question. You admit to-day six Senators into the Senate of the United States, whether they be Republicans or Democrats, and you have added power to the west of the Missouri River that, in the Senate of the United State, gives substantial control of the Government of the United States, and you do that without creating any equivalent power in the representative branch of the Government. You will have for each State 2 Senatorial votes in a body of 90; you will have 6 Senatorial votes added to a body of 90, while you have but 4 Representative votes in a body of 384, and with the piling up in that section of the United States of political power that can control and govern this Union in spite of all the protestations that you can make. Now, it may be that there will be—

The CHAIRMAN. The time of the gentleman has expired.

Mr. KNOX. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended fifteen minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the time of the gentleman from Ohio may be extended fifteen minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GROSVENOR. Now, I was saying that it might be—taking up the thread of my thought at the point I laid it down—that these new States and Territories, with these new Senators from those States, might wisely govern the country; but, speaking for a representative body of constituents in the great center of this Union in point of population and of wealth, I say that we have a perfect right here, and it is demanded of us here, in the popular body of the country, not to make haste to strip the East and the center of its political power and turn it over.

Now, there have been complaints made against these States that have come into the Union that they did not do exactly as we thought and hoped they would do; but in God's good time they are getting around all right, and I think will satisfy the people of the country upon some of the questions before the country. But these are political questions about which the people of the United States have a right to be heard and their judgment taken upon so important a question as adding six Senators to the body already constituted.

Now, take this population. Take the population of New Mexico and Arizona—about 250,000, or, if you please, 400,000, a little over the ratio of a single Representative in Congress. We give them two Representatives through this bill. That is not unreasonable. Every State ought to have a Representative; but when you give to them four Senators, equal in political power with the great States of New York and Pennsylvania in the Senate of the United States, upon what ground do you do it? Upon the ground of growth in the case of Arizona; upon the ground of growth of the Territory of New Mexico?

Why, the very argument of the gentleman destroys its own force. For fifty years it has stood, as my friend from Massachusetts has described with great eloquence, as to the richness of that country. Did he make a discovery in richness, or what have the people of the United States been doing as to the splendid soil, the magnificent rivers, the great mineral wealth, and its capacity of production of wool? Have the people of the United States been blind all these years as to that? And yet right through that railroads run, right through it the lines of the great transcontinental railroads run, and yet we find the Territory of Oklahoma, that has been constituted within the past ten years, double, more than double, the population of both of these Territories. How does it happen that these Territories are valuable? Look at the State of Nevada.

Now, the gentleman from Nevada, to whom I will refer, and although he is not present, I shall certainly say nothing unkind about him; a gentleman of great power, of great representative capacity, has never said a word in favor of Nevada's greatness on the floor of the House that was not doubled and quadrupled when she came into the Union; and yet, with six counties in my Congressional district, I have got more people in one county than the State of Nevada has to-day. What is to be predicated of the history of New Mexico and Arizona; what is to be predicated except that they will never be any better, in any considerable amount of population, than they are now. I say nothing against them. They have worked out under all circumstances great results, but they have been handicapped by the conditions that a man, one of the chief men in Mexico, who uttered the sentiment that he was rejoiced that the United States was so thoroughly satisfied with a piece of worthless territory. Fifty long years, and that population is 350,000. How many of them are there—the men of 1848 and their descendants—I do not know; but I will assume in Arizona and in New Mexico 50 per cent of the people there to-day, a much larger per cent in New Mexico, and a smaller one in

Arizona, aggregating about 50 per cent of the population of both of those Territories, were there in the Territory at the time of the cession, or are the descendants of Mexicans who were there.

Mr. SMITH of Arizona. Where does the gentleman get any such information about Arizona? The gentleman is making such a reckless statement that I can not help interrupting him.

Mr. GROSVENOR. Will the gentleman from Arizona tell me how many natives and descendants of the people who were there at the date of the treaty there are in the Territory to-day?

Mr. SMITH of Arizona. I do not know; there were none at the date of the treaty, or very few, and very few to-day.

Mr. GROSVENOR. Then, my friend has been arguing about a political right vested in nobody.

Mr. SMITH of Arizona. The gentleman made a statement recklessly, and one he must not have considered, when he speaks about there being anything like 40, 30, or 20 per cent of the people of Arizona who are descendants of those people.

Mr. GROSVENOR. The gentleman can come forward with his figures and demonstrate it if he can. I have said it was an estimate. Let us see how they stand together. The gentleman from New Mexico [Mr. RODEY] has argued that it became a vested right of a great body of people, by the language in the treaty, who have the right to come here and assert and demand admission into the Union. He is speaking of New Mexico. Now, the gentleman from Arizona arises and, resisting that statement, suggests that there was nobody in Arizona at the time.

Mr. SMITH of Arizona. I am not resisting anything that the gentleman from New Mexico said, nor am I bound by what he said. I am trying to relieve this House of the statement which the gentleman from Ohio made and which he has no proof of.

Mr. GROSVENOR. I made no statement that I claimed to have proof of. I said presumably 50 per cent of the present population of the two Territories put together were either men that were there at the time of the treaty or descendants of those people.

Mr. SMITH of Arizona. And that was pure presumption.

Mr. GROSVENOR. Certainly; and I said it was.

Mr. RODEY. And there are not over 30 per cent of that population in New Mexico to-day.

Mr. GROSVENOR. Very well, take it at 30 per cent and nothing for Arizona. Take nothing from nothing and not very much remains. [Laughter.]

Mr. RODEY. And they are as good citizens as can be found in any State in the Union.

Mr. GROSVENOR. There is no doubt about it. The gentleman will get their votes and he need not repeat it. He has been a faithful representative. [Laughter.]

Mr. STEPHENS of Texas. Will the gentleman from Ohio let me read a statement as to the population of Arizona?

Mr. GROSVENOR. I should be glad to have him.

Mr. STEPHENS of Texas (reading):

The population of Arizona, from the best obtainable statistics, school census, number of school children, etc., is 175,000. This population has a greater proportion of native-born inhabitants than probably any other subdivision of the United States.

The statement of the gentleman from Ohio was that there were only 250,000 in the two Territories.

Mr. GROSVENOR. Something like that. I have the census to support my statement.

Mr. STEPHENS of Texas. Arizona has a population of 122,221 and New Mexico 195,000.

Mr. GROSVENOR. Very well. How wide of the mark is that?

Mr. STEPHENS of Texas. That makes over 300,000.

Mr. GROSVENOR. Very well; call it 300,000.

Mr. PAYNE. And 125,000 of that 300,000 are Indians untaxed.

Mr. GROSVENOR. Yes; and can not vote. They paid their figures and come at me because I have not mine here. [Laughter.] Now, the gentleman from New Mexico says that not over 30 per cent of the citizens of New Mexico were there at the time of the treaty, or their descendants.

Mr. RODEY. Yes; but not that many of them live there now.

Mr. GROSVENOR. But they have had children. Babies grow there, do they not? [Laughter.]

Mr. RODEY. They do not constitute over two-fifths of the whole population at the present time, and they are as good citizens as live anywhere in this nation.

Mr. GROSVENOR. Two-fifths; then my figures turn out pretty well. Now, I have said nothing against the citizens. I think a great deal of your mixed race down there. You had one of them here, and a very efficient and valuable representative of your Territory, and I am very fond of him.

Mr. RODEY. I am glad to hear you say so.

Mr. GROSVENOR. But what I was arguing was to show how few people, with all this Arcadia and Garden of Eden that the gentleman from Massachusetts spread out, has in fifty years gone out to this particular Territory.

Mr. RODEY. Does not the gentleman know that for many

years they were a thousand miles from railroads, with Indians depredating on them, being neglected by Congress, and that Congress failed for half a century to settle their land grants, and that anybody that settled there might expect to have a Spanish claim turn up against him as to his land any day? Is not that a reason for slow development?

Mr. GROSVENOR. How much have you grown within the last ten years?

Mr. RODEY. We have gained about 177,000 in population in that time.

Mr. GROSVENOR. What was your population in 1890?

Mr. RODEY. One hundred and fifty-three thousand.

Mr. GROSVENOR. How large is it now?

Mr. RODEY. Three hundred and thirty thousand.

Mr. GROSVENOR. By the census?

Mr. RODEY. No; by the actual fact.

Mr. GROSVENOR. Oh, actual fact. [Laughter.] I have lived in a country where they have had actual facts. Now, the gentleman from New Mexico is trying to get me to abuse the people of that Territory. I am not going to do it. What I am saying is that the Territories of Arizona and New Mexico have demonstrated in fifty years that there will never be a population that will be respectable in point of density throughout that vast territory, and we shall have two more "rotten boroughs."

Mr. RODEY. I will state to the gentleman—

Mr. GROSVENOR. I can not yield further—

Mr. RODEY. Only one more statement and I shall be through. I wish to state to the gentleman that the Rio Grande Valley and the Pecos Valley in New Mexico are, when properly brought under cultivation, capable of supporting a more dense population than the State of Massachusetts.

Mr. GROSVENOR. The people of the United States are pretty wide-awake to find out those places on this continent which are "capable of supporting a dense population;" and they have rushed into Oklahoma at a ratio that is surprising and gratifying, while they have gone past the Territory of New Mexico and settled over on the Pacific slope.

Mr. RODEY. Because Oklahoma has good land, where irrigation is not necessary.

Mr. GROSVENOR. That is just it; Oklahoma has good land.

Mr. RODEY. Where irrigation is not necessary. The people will go to such a country first every time.

Mr. GROSVENOR. Mr. Chairman, I would vote for the admission of Oklahoma. I believe it would have been admitted upon a single bill. I would vote for it now upon a single bill, and I will vote for its admission if the amendment proposed by the gentleman from Arkansas [Mr. McRAE] should carry. But I will not vote to load upon the shoulders of Oklahoma the admission into the Union of the two Territories of Arizona and New Mexico. Nor do I believe it is wise to do it. I believe it will defeat the bill for the success of the Oklahoma bill, and I put my decision largely—I do not deny it—upon the ground that in my opinion such an admission would be a disturbance of the political and industrial equilibrium of the people of the United States. I do not go so far as to apply in this case the maxim which I have operated upon for a good many years, "find out what your enemy wants and then do the other thing." I do not apply that maxim here; but I do act upon this proposition, that the introduction of new States into this Union is a political question, and the unanimous vote of the Democratic caucus justifies my statement. In my judgment the time has not come when it is wise and beneficial to the political corporation to which we belong to introduce new members representing those two Territories, and if they continue to be included with the Territory of Oklahoma in this bill I shall be compelled regretfully to vote against the measure. [Loud applause.]

Mr. KNOX. I move that the committee rise informally. The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HEMENWAY reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 3439) to amend an act entitled "An act to license billiard and pool tables in the District of Columbia," and for other purposes.

The message also announced that the Senate had passed the following resolutions:

Whereas the Senate having heard with profound grief of the death of Rear-Admiral William T. Sampson, United States Navy, which occurred in this city May 6, 1902: Therefore,
Resolved, That a committee of five Senators be appointed by the Presiding

Officer to join such committee as may be appointed by the House of Representatives to attend the funeral as a mark of respect to the memory of the deceased officer.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

And that in compliance with the foregoing the Presiding Officer had appointed as said committee Mr. PERKINS, Mr. GALLINGER, Mr. QUARLES, Mr. MARTIN, and Mr. MALLORY.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to furnish to the House of Representatives, in compliance with its request, a duplicate engrossed copy of the bill (S. 4294) providing that the statutes of limitations of the several States shall apply as a defense to actions brought in any courts for the recovery of lands patented under the treaty of May 10, 1854, between the United States of America and the Shawnee tribe of Indians.

DEATH OF REAR-ADMIRAL SAMPSON.

Mr. DAYTON. Mr. Speaker, in view of the action of the Senate touching the death of Rear-Admiral William T. Sampson, I desire to ask for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

Whereas the House of Representatives has heard with profound regret of the death of Rear-Admiral William T. Sampson, which occurred in this city on the 6th instant; and

Whereas the Senate of the United States has appointed a committee to join a committee of the House in attendance upon the funeral services:

Therefore, as a mark of respect for the deceased, and as a tribute of esteem for his distinguished services to the nation,

Be it resolved, That a committee of seven members be appointed to join the committee appointed on the part of the Senate to attend the funeral of the deceased.

The SPEAKER. Is there objection to the present consideration of the resolution? The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to; and the Speaker announced the appointment of the following-named members as the committee on the part of the House in pursuance of the resolution: Mr. DAYTON of West Virginia, Mr. PAYNE of New York, Mr. GROSVENOR of Ohio, Mr. WATSON of Indiana, Mr. MEYER of Louisiana, Mr. HOOKER of Mississippi, and Mr. BARTLETT of Georgia.

ADMISSION OF OKLAHOMA, ARIZONA, AND NEW MEXICO.

On motion of Mr. KNOX, the House again resolved itself into Committee of the Whole on the state of the Union and resumed the consideration of House bill 12543, Mr. HEMENWAY in the chair.

Mr. SMITH of Arizona. Mr. Chairman, I rise to a parliamentary inquiry. As I understand, when the House went into Committee of the Whole on the state of the Union it was agreed that the general debate on this bill should close at 3 o'clock to-day. A question arose yesterday as to the division of the time. I now find that the time consumed yesterday by speakers who were not for the bill as it stood has probably been credited to the advocates of this bill. May I ask the Chair how much time is left for the advocates of the bill?

The CHAIRMAN (after a pause). The time used for the bill has been two hours and forty minutes, and the time used against the bill one hour and thirty-three minutes. The time occupied by the gentleman from Arkansas is counted as a part of the time against the bill.

Mr. SMITH of Arizona. In view of the announcement of the Chair, the time still remaining for the advocates of the bill is shortened beyond what I had expected. I had thought that the time occupied to-day would be equally divided. I therefore ask unanimous consent that the Delegate from Oklahoma [Mr. FLYNN] and the Delegate from Arizona, who are of necessity more interested in this measure than others, and who, it is to be presumed, know as much about the facts in this case as anybody else, be allowed the remainder of the time on behalf of the bill, the time to be equally divided between them.

The CHAIRMAN. Unanimous consent is asked by the gentleman from Arizona that the remaining time be divided between himself and the gentleman from Oklahoma.

Mr. PARKER. I do not want to make any objection—

Mr. SMITH of Arizona. There will be opportunity for debate under the five-minute rule.

Mr. GAINES of Tennessee. I wanted to read three or four lines from a decision of the Supreme Court showing that the position of the gentleman from Ohio [Mr. GROSVENOR] is entirely wrong.

Mr. SMITH of Arizona. You can do that under the five-minute debate.

Mr. GAINES of Tennessee. Very well; I make no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona? The Chair hears none, and it is so ordered.

[Mr. SMITH of Arizona addressed the committee. See Appendix.]

[Mr. FLYNN addressed the committee. See Appendix.]

Mr. PARKER. Mr. Chairman, it is with hesitancy that I attempt to speak after listening to the splendid oration of the gentleman from Oklahoma [Mr. FLYNN]. He need not fear that Oklahoma exercises no influence upon the House of Representatives and the Government of the United States. When a Territory sends a man of talent like my friend, who combines the two Senators and a Representative in one, and whose policy can not be divided, he carries a power in this House and in the other that is exercised by no other man. But I deny the statement made by himself and the gentleman from Arizona [Mr. SMITH] that they are the men most interested in this measure. No.

The whole people of the whole United States are the most interested in that wonderful balance of power created by our forefathers in the House and in the Senate. The Constitution guarantees to the Senators an equal representation from every State. How better could you destroy that equal representation than by a measure which, as far as Arizona is concerned, with less than 100,000 of population, excluding Indians, would be in its effect like creating two States with four Senators out of any district represented in this House.

In creating new States we owe it to the people to preserve the balance of the Government. There are in this country, in the 45 States, 74,000,000 people in round numbers (74,607,225). The average for each State is over 1,650,000 (1,657,938). It is now proposed to make three States out of territory containing altogether (besides Indians not taxed) less than 700,000 people, or less than one one-hundredth of the present population of the whole Union. To that territory it is proposed to give six Senators, equal to one-fifth of the entire Senate.

That is not all. This territory as a whole extends from the watered lands of the East to and beyond the Rocky Mountains. Beginning with the young giant, Oklahoma, of which my friend [Mr. FLYNN] has just spoken, which, taking its start only thirteen years ago, contained in 1900, eleven years after its inception, nearly 400,000 people (398,331), the territory as a whole, comprising Oklahoma, New Mexico, and Arizona, running on substantially the same line of latitude, extends west through what was known as the Great American Desert to and beyond the summit of the Rocky Mountains. It reminds one very much of the State of Texas, which in the east and for several hundred miles back from the Gulf is well watered and contains good agricultural farming land, but afterwards in the interior runs into desert. Of this great territory we have made only one State, having something over 3,000,000 population.

Mr. Chairman, it is 3 o'clock, and as I yielded my right to the floor I will ask the gentleman in charge of the bill whether I may proceed now for ten or fifteen minutes, or whether I shall do so under a motion to amend after the first section has been read.

Mr. KNOX. I will yield to the gentleman fifteen minutes.

The CHAIRMAN. The Chair will say to the gentleman from New Jersey that the House has fixed the time for general debate to close. The gentleman can secure time under the five-minute rule.

The Clerk read as follows:

Be it enacted, etc., That the inhabitants of all that part of the area of the United States now constituting the Territory of Oklahoma as at present described may become the State of Oklahoma as hereinafter provided.

Mr. PARKER. I move to strike out the last word.

Mr. McRAE. I have a substantial amendment which I desire to offer. I do not wish to lose my opportunity.

Mr. PARKER. I hope the gentleman will have an opportunity to offer his amendment.

Mr. McRAE. I must insist that I do have the opportunity.

Mr. PARKER. There is no question about the gentleman's right.

The CHAIRMAN. The gentleman will be recognized to offer his amendment after the gentleman from New Jersey has concluded his remarks.

Mr. PARKER. I should like to have fifteen minutes by unanimous consent, if I may be allowed.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent that he may be allowed to proceed for fifteen minutes.

Mr. KNOX. How much time does the gentleman from Arkansas want?

Mr. McRAE. Mr. Chairman, I desire to offer an amendment in good faith, and we have reached the point where it is in order. I do not want to lose the opportunity to do it.

Mr. KNOX. I do not wish in any respect to cut off the right to offer amendments.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey that he have fifteen minutes to discuss his amendment to strike out the last word?

There was no objection.

Mr. PARKER. Mr. Chairman, as I was saying, there is a good deal of likeness between this Territory and that of Texas, although the population is so much less. There are 265,780 square miles in Texas, and there are 274,630 square miles in this Territory as a whole. There are 3,000,000 people in Texas (3,048,710). There are less than 700,000 in this Territory as a whole (total, 716,572; less Indians, 51,371; balance, 665,201). The growth, as in Texas, has been in the eastern and southeastern part, where it is watered. If the proposition were to put all these three Territories into one State, I would say, "Amen;" but when you propose to take Arizona and New Mexico and Oklahoma and to make three States, you might much better divide my little State, which contains over 2,000,000 people, into three States in order to make six Senators.

Mr. GAINES of Tennessee. How many people did it have when it was made a State of the Union?

Mr. PARKER. I could answer questions, but I have no time to do so. There is no difficulty in answering such questions.

Mr. GAINES of Tennessee. Well, how many did it have? I should like to know.

Mr. PARKER. It contained 184,000 people, out of over 3,000,000. That was about one-fifteenth.

Mr. GAINES of Tennessee. There are over 300,000 people in one of these Territories.

Mr. PARKER. We had our proportion. I am talking of the balance of the Senate. There are 90 Senators, represented by 400 members of this House, under the new apportionment, and you propose by this bill to add to the Senate six Senators, which is out of all proportion to the addition to the House of Representatives. As to Arizona, I have been there. I remember the country through which I passed—the great sage-covered plains, broken by rocky mountains, islands in the middle of those plains, or by canyons absolutely bare and desert, except where little rivers ran in the narrow valley at the bottom of the canyon.

I believe there are better parts of Arizona, but let us look at the census. We can deal with nothing else: In 1900 Arizona has less than 100,000 white population. Its growth, as shown by the census, was 39,930 in white population during the last ten years, and that is all. By the census of 1890 it contained slightly over 1,200,000 acres (1,297,233) of lands fit for farming, which is not much over 1,800 square miles. It has 113,939 square miles of territory, or 73,000,000 acres, and one acre in a hundred only is fit for cultivation. Of that million of acres, 104,000—I do not give the extra figures—or only one-tenth of that fit for cultivation, was cultivated.

The committee report shows that agricultural lands must be irrigated, and that by storing the water they could double that amount. One hundred thousand acres is only a hundred and fifty square miles—say, 12 or 13 miles each way—and with these prospects of development it is proposed to make Arizona into a State. Arizona had 104,000 acres under cultivation, Rhode Island had 274,491 acres, and every other State, except in the Rockies, had from one to twenty-five million. Colorado had 1,823,920, and even Montana, Wyoming, Utah, Nevada, and Idaho had from 475,000 to 915,000 each.

Our Government is organized on the theory of preserving a balance of power between the several States in the Senate and this House.

The Senate represents independent States. Their votes are to be equal. But if we "colonize" the Senate by giving the votes of two Senators to any 100,000 people, what becomes of the equality of the States?

Let us take up the case of New Mexico. The statements made in the census are the only ones that we can really trust. New Mexico was not founded ten years ago, like Oklahoma. It is one of the earliest settlements of the United States. It was explored in 1565, or thereabouts, and (I am speaking but by memory) it was settled in the latter part of the sixteenth century, and it has been occupied ever since. The United States during the last decade, from 1890 to 1900, grew over 20 per cent in population. New Mexico grew less than 20 per cent.

Mr. RODEY. We have increased, according to the last census, 27 per cent, and 100 per cent if the former census was correct.

Mr. PARKER. I take the rate from the report of the statistics of population of 1900, on page 4. New Mexico (No. 34) has an increase in population (outside of persons on Indian reservations) of 29,727, or 19.4 per cent. The gentleman can see. Here is the census report.

Mr. RODEY. I have looked at it a hundred times, and it shows 27 per cent, taken even as the census is given.

Mr. PARKER. The census shows only 195,310 people, including 11,990 Indians.

The population of New Mexico has increased only 19.4 per cent, and has now but 184,000 people, excluding Indians, while that of the United States has increased 20.7 per cent. If this shall continue, then that Territory will never have a proper population to be credited with two Senators.

Mr. RODEY. Would you have made that statement with regard to Colorado when it was admitted, and the conditions are practically the same.

Mr. PARKER. I do not believe that the conditions are practically the same, and if you will look you will see that that is so. I can only point out to those who prize their Government as comprehending States equally balanced that they must beware—

Mr. RODEY. Will the gentleman allow me to ask him one question?

Mr. PARKER. I decline to yield.

Mr. RODEY. Just one question.

Mr. PARKER. They must beware of making the Senate resemble a corporation organized with convertible bonds that can be turned into stock for the securing of a majority. I agree with the gentleman from Massachusetts. There is no politics, or there ought to be no politics, in this question. Those on my side of the House are honestly divided; not so on the other side. Let us hope there is no politics in their agreement to this measure, and that no pledge made here or anywhere will deter men whom we respect on both sides of the House from their doing what they think is right for the maintenance of the Constitution of this Government, which depends so much upon the equality of the States under the Constitution.

Territories ought to have more self-government. They ought to have it as Territories. They should have the right to elect their own governor, and in Territories like Oklahoma they should appoint their own judges, just as the thirteen States that came into the Union had been doing for a hundred years before the Revolution, and before they had received any statehood. Let us give them local independence as Territories. Let us not attempt to give two Senators to 100,000 people, for this is an injustice that never ought to be permitted. There ought to be no politics in this.

Mr. Chairman, a good politician in my State, who was a member of an Episcopal convention, was taken to task by a dear old lady because he had not bowed his head in prayer to be guided in the choice. The old lady hoped he would not be offended, and he answered, "Oh, no; I won't be offended, but you know I couldn't very well pray because I have just been in a caucus and agreed how I should vote." Let no pledges in or out of caucus turn us from our duty.

Mr. Chairman, when we are dealing with that sacred thing, the Constitution, let us not pack the Senate with false ballots which do not represent a real State. Let us not number among the States any Territory which not only is not now able to be a State, but never will be, as far as human prophecy can go. I do not say a word against Oklahoma. It is the little giant of the Sierras; it is surpassed only in its history by that great State of Texas. I do oppose this proposition, however, to divide what ought to be one State into three and to add six Senators and three stars to our Constitution out of such a meager showing of wealth, resources, population, and increase. It is one of the mistakes of which we ought to beware.

Mr. McRAE. Now, Mr. Chairman, I ask to have the amendment read which I send to the Clerk's desk.

The Clerk read as follows:

Strike out section 1 and insert the following:

"That the inhabitants of all that part of the United States now constituting the Territory of Oklahoma and the Indian Territory, namely, that section of country bounded on the north by the States of Colorado and Kansas, on the east by the States of Arkansas and Missouri, on the south by the State of Texas, and on the west by the State of Texas and the Territory of New Mexico, may become the State of Oklahoma, as hereinafter provided: *Provided*, That nothing in this act shall be construed to impair any right now pertaining to any Indian tribe or tribes in said Territory under the laws, agreements, or treaties of the United States, or to affect the authority of the Government of the United States to make any regulations or to make any law respecting said Indians or their lands which it would have been competent to make or enact if this act had not been passed and the constitutional convention hereinafter provided for shall by ordinance irrevocably express the consent of the State of Oklahoma that Congress shall retain complete jurisdiction over all lands that belong to any Indian tribes until the same has been allotted in severalty and becomes subject to taxation."

Mr. McRAE. Mr. Chairman—

Mr. LLOYD. Mr. Chairman, to that I make the point of order.

Mr. McRAE. I think the gentleman is too late.

Mr. LLOYD. I have been trying to get the ear of the Chair.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. LLOYD. This amendment, as proposed by the gentleman from Arkansas, is not germane to the bill. I wish to call the attention of the Chair to a decision. I will not take the time to read it, but I will call the Chair's attention to the authority in this case. When they were considering the question of the admission of the Territory of Dakota into the Union, a motion was made to substitute in the place of the bill for the admission of the Territory of Dakota a bill providing for the admission of Montana, Washington, and New Mexico. Mr. BURROWS at that time made the point of order that this amendment would not be germane, and, as I understand it, that is the situation here. This is a bill that

provides for the admission of Oklahoma, and the gentleman from Arkansas offers an amendment which provides that there shall be added to Oklahoma the Indian Territory. That would place it on all fours with the case that I have mentioned, which was thoroughly discussed by the gentleman from Michigan [Mr. BURNETT]. The Chair in ruling on the matter at that time said:

The Chair supposes that a mere technical difference between the two bills would not be material; for instance, a correction of a mere clerical error or something of that sort. But it seems that the proposed substitute now offered by the gentleman from Illinois contains provisions of a substantial character and not contained in the original House bill. The Chair thinks, therefore, that the order does not apply to it and believes that, in accordance with the practice of the House and its rules ever since the House overruled its own decision in the case of California, that this substitute is not in order under the rules. The Chair therefore holds that the substitute sent to the desk by the gentleman from Illinois does not come within the terms of the order made by the House, and hence is not in order under the rules and practice of the House.

Now, I call the Chair's attention to this particular fact—that this amendment provides for the admission of two Territories instead of one. The bill now pending before this House provides for the admission of Oklahoma, and the amendment offered by the gentleman from Arkansas provides for the admission of Oklahoma and the Indian Territory, and that is the exact point passed upon in this case. This is a precedent that has never been overruled and is the law in the case, and I insist on the point of order.

Mr. McRAE. Mr. Chairman, there is no analogy between the case cited and the one before the House. In that case there was a special rule, and the ruling of the Chair was to the effect that the rule under which the bill was being considered excluded the consideration of anything not mentioned. In that case it was sought to annex as a new State an organized Territory, and in this case it is to enlarge Oklahoma by adding an unorganized Territory that is contiguous to it, entirely within the jurisdiction of Congress; in other words, to define the boundary of Oklahoma; in the third place, the bill itself in the third section has a proviso which contemplates that this very Territory may at some time be added.

And it is strange indeed that a member of the Committee on Territories should make a point of order against doing now that which he provides may be done at some time.

I do not think it necessary to detain the committee or the Chair by further discussing this proposition. It is untenable on the three grounds I have stated; and I can not believe that the decision cited will give the Chair any difficulty whatever.

Mr. PAYNE. Mr. Chairman, it seems to me there can be no serious question in regard to this point of order. The case cited was a case where a bill was introduced for the admission of the Dakotas, and the proposition was to amend by admitting as States Montana, New Mexico, and Arizona—three distinct propositions.

This bill in its first section gives the boundaries of the State of Oklahoma, which it seeks to create. The amendment proposes merely to change those boundaries, taking in other territory. As the gentleman from Arkansas has well said, the bill itself provides that in course of time, or, indeed, at any time, the Indian Territory may come in as a part of Oklahoma—may be added to the State of Oklahoma. But the distinction between this case and the one which has been cited is that in that case it was proposed to take different Territories and make them separate States. Of course that was not germane. This is a proposition simply to amend the boundaries of one of these proposed States, as defined in the first section, and it must be germane.

Mr. KNOX. Mr. Chairman, I submit that the force of the grave objection advanced against this amendment is not at all weakened by saying that this is merely a proposition to change the boundaries of one of these Territories, because, if such a position could be maintained, then by simply extending the boundaries of one State or Territory by taking in land contiguous thereto you could accomplish all the mischief which the rule was designed to prevent. To say that this is a mere proposition for extension of boundaries seems, therefore, to me a simple evasion of the question.

There is another matter stated by the gentleman from New York [Mr. PAYNE] which the bill does not bear out and which the gentleman who advocates this amendment, it seems to me, does not state exactly as it is. The provision as to the Indian Territory does not provide in any way for the admission of the Indian Territory or for annexing it or any part of it to Oklahoma. That power by the bill is left for future action of Congress. This bill does not disturb it in any way. The only provision in reference to this matter is the following:

Provided, That the constitutional convention provided for herein shall, by ordinance irrevocable, express the consent of the State of Oklahoma that Congress may at any time, or from time to time, attach all or any part of the Indian Territory to the State of Oklahoma after the title to said lands in said Indian Territory is extinguished in the tribes now claiming the same, and the same assigned in severalty and subject to taxation.

The only effect of this provision is to reserve to Congress the power which belongs to it, by compelling this prospective State

to express its consent that when Congress may choose to make this addition or attachment of the Indian Territory to Oklahoma it may be done. The power of Congress with reference to the Indian Territory is left precisely where it is now. If there could be new matter introduced into any bill, if there could be a substantive provision departing entirely from the purview of the bill, it would be a proposition to annex one Territory to another by an amendment of this kind.

Mr. UNDERWOOD. Mr. Chairman, it seems to me that the decision of Speaker Carlisle in the Fiftieth Congress, cited by the gentleman from Missouri, must be clearly in point. I can not see how the gentleman from Arkansas can differentiate the bill to which that decision applied and the bill now before the House. It is true that something was said in the decision about the bill then pending (for the admission of Dakota) having been brought before the House by a rule, but the question that came before the Chair for its decision was not whether an amendment was in order; that point was not raised. There was no question as to whether under the rule any amendment could be offered—that was all that a rule could undertake to provide or limit—but the question was the same as that raised in this case, whether the amendment offered was germane. The Chair did not make any decision whether it was in order to offer an amendment. The decision had relation simply to the question whether the amendment submitted was germane to the bill, and the effect of that decision was very clear—that a bill providing for the admission of Dakota into the Union could not be amended by adding a provision for the admission of other Territories. There is no question as to the effect of that decision.

Now, does that decision cover this case? This bill provides for the admission of three States. Its provisions are limited to those three States as much as the bill in the Fiftieth Congress was limited to the proposed States of North and South Dakota. It is true that the bill now before the House provides that under certain conditions the Territory of Oklahoma shall consent that the Indian Territory shall be added thereto, if the Federal Government so desires. But that is not a provision relating in any way to making the Indian Territory a State of the Union; it does not contemplate any such provision. It is merely a limitation on the constitution that the Territory of Oklahoma may hereafter adopt. It does not relate to the boundaries of the Territory of Oklahoma or the Indian Territory. It is like other provisions of the bill, merely a limitation on the powers of the constitutional convention to be called preparatory to the admission of the Territory into the Union. It is a limitation on the powers that may be placed in that constitution. It has nothing to do with the question whether the Indian Territory may be admitted or not.

Now, as to the germaneness of the proposition to this bill, it seems to me very clear, under all the decisions, that when a committee reports to the House a bill for the admission of one particular Territory as a State, that measure can have no reference whatever to the admission of another Territory into the Union. The fact that the Indian Territory lies adjacent to Oklahoma does not affect the proposition any more than if it were a question of admitting Alaska at the same time that Oklahoma is admitted. I think it very clear, under the decisions already referred to, that if the gentleman from Arkansas, or any other gentleman, should move as an amendment to this bill to admit the Territory of Alaska into the Union the Chair would be bound to hold the amendment not germane to the bill before the House.

And if it is not germane to admit the Territory of Alaska it can not be germane to admit the Indian Territory simply because at one time they constituted the same geographical division, which has since been separated by an act of Congress, or because they lie adjacent to each other. That being the case, if the Chair opened the proposition to any amendment that might be offered on the floor of the House, why, you could offer an amendment for Hawaii or for the Philippine Islands. There would be no limitation on the proposition whatever when it came before Congress, and the object of these rules is to hold the legislation before Congress to the particular subject that is brought before it by the committees. That is the only reason we have rules. Otherwise it would be unnecessary to have rules of this kind. But in order to transact the business of this House orderly and to have it considered properly by the various committees of the House from time to time it has been held that it is not in order to bring legislation before the House by way of amendment that has not first been properly considered in the committees having jurisdiction of the subject-matter.

Mr. HOOKER. Mr. Chairman, it is very evident that the proposition of my friend from Arkansas [Mr. McRAE] changes the whole character of this report from the committee. It is not an amendment germane to the subject-matter at all. If it is held in order, why, then you can move to add any other portion of the country to it which constitutes the territory of the United States. I rise to speak on this question for the reason that I am

going, at the proper time, to offer an amendment to strike out what I regard as the only objectionable feature of this bill, namely, that portion which relates to the admission of the Indian Territory.

Mr. McRAE. Will my friend allow me to ask him right there if he considers the paragraph he wants to strike out as subject to a point of order?

Mr. HOOKER. I think it is subject to amendment.

Mr. McRAE. If it is not subject to the point of order, how could this amendment be obnoxious to the point of order?

Mr. HOOKER. For the reason that we are proposing to do more than the committee proposes. You are proposing to include the whole Indian Territory in this bill to constitute a part of Oklahoma. It is well known to those who are familiar with our territorial history that Oklahoma itself originally constituted a portion of the Indian Territory, belonging to the five semicivilized tribes, the Choctaws, Creeks, Cherokees, Seminoles, and another.

Mr. MADDOX. The Chickasaws.

Mr. HOOKER. Oklahoma was dismembered from the Indian Territory and created a Territory of the United States, subject to the laws, rules, and regulations which pertain to a Territory. This is a proposition to admit that Territory and not anything else; but if my friend from Arkansas can propose to add this scope of territory which the Indians now have, and which I think they are entitled to have as a State of their own, not added to any other, why, then there is no limit to what can be done by way of amendment of this bill.

We ceded those lands to the Indians that you now propose in this indirect way to take away from them. We ceded them in terms of solemn treaties between the five semicivilized tribes and the Government. I allude to this in order that I may show that this proposition of my friend from Arkansas is in violation of the rules which prevail, that you can not offer an amendment to a bill unless it is germane to the bill. Why, sir, the idea of taking that vast territory of the five semicivilized tribes of Indians and making a State out of it without consideration by a committee of this House shocks every idea of parliamentary law as well as of justice and right. His proposition now is to take the whole. The report of the committee proposes that Oklahoma, if it shall accept this inauguration into statehood, shall in its convention provide that such portions of the Indian Territory as they may see fit shall be added to it.

That, I think, is the only objectionable feature of this whole bill. They have no right to take it either in parcels or absolutely and entirely, as the amendment offered by the gentleman from Arkansas [Mr. McRAE] provides. If that could be done, why, then you could make a State out of a Territory without notice to that Territory, without representation by that Territory, and without an expression of opinion by the people of that Territory; and therefore it seems to me that the point of order is properly raised that this is not a subject cognate to the subject-matter which the committee considered, but entirely different from it and proposing to create a State out of the present Territory of Oklahoma, that has metes and bounds properly defined, and to make a State not only of Oklahoma, but to include that vast domain ceded to the Indians, which, when it was ceded, General Jackson said should be theirs "as long as grass grows and water flows."

Mr. WILLIAMS of Mississippi. Mr. Chairman, is the Chair ready to rule?

The CHAIRMAN. The Chair is ready to rule. If this were a bill for the admission of Oklahoma Territory alone as a State there would be no doubt as to the position taken by the gentleman from Missouri being correct. An amendment to admit some other Territory as a State would not be in order. But this is a general bill covering three different Territories, and an amendment as suggested by the gentleman from Alabama [Mr. UNDERWOOD] to admit Alaska as a State would be in order on this bill.

For instance, a private claim bill for the allowance of a single claim would not be subject to an amendment allowing some other claim, but a general claims bill, such as often comes before this House, can be amended by adding another claim. So with public building bills. A bill to erect a public building at Birmingham, Ala., could not be amended by a proposition to erect a public building at Indianapolis, Ind.; but a bill providing for a number of public buildings could be amended by adding another public building. One is a general bill, the other is a bill for a single object; and as the Chair said, if this were a bill to admit Oklahoma alone as a State, this amendment would not be in order. On the other hand, it is a general bill proposing to admit three Territories as States.

In the Thirty-fourth Congress a decision was made by the Speaker that covers this point clearly. On July 17, 1856, Mr. Elihu B. Washburne, of Illinois, reported from the Committee on Commerce a resolution of the Senate for enlarging the custom-

house and post-office and court-house at Milwaukee, Wis., and at Detroit, Mich., and for the construction of a public building for the same purpose at Dubuque, Iowa, with an amendment providing for some public buildings at Toledo, Ohio, Ogdensburg, N. Y., Ellsworth, Me., Chicago, Ill., Nashville, Tenn., and other points.

Mr. James L. Orr, of South Carolina, made the point of order that the amendment was not germane to the original resolution, inasmuch as it provided for the construction and enlargement of public buildings in different cities and States from those mentioned in the resolution to which the amendment was offered. The Speaker overruled the point of order. There was the exact question. There was a public-building bill providing for two or more buildings. An amendment was offered to add another building in another State.

The point of order was made, and the Speaker of the House, Nathaniel P. Banks, jr., of Massachusetts, overruled the point of order. There is no doubt, in the opinion of the Chair, that the amendment offered by the gentleman from Arkansas [Mr. McRAE] is in order on this bill, this being a general bill for the admission of Territories. The Chair therefore overrules the point of order.

Mr. UNDERWOOD. Mr. Chairman, recognizing the importance of the decision, I ask to take an appeal from the ruling of the Chair.

Several MEMBERS. Oh, no.

Mr. UNDERWOOD. In deference to the wishes of my colleagues, I withdraw the appeal.

Mr. McRAE rose and was recognized.

Mr. KNOX. I will ask the gentleman from Arkansas how much time he desires?

Mr. McRAE. I will only consume five minutes.

Mr. KNOX. I did not know whether the gentleman proposed to occupy considerable time.

Mr. McRAE. No; I do not. I want to facilitate the consideration of this bill as much as possible, and as I have already spoken in the general debate I have very little to add, except that I want to call the attention of members of the House to the map before us, so as to show the relation of these two Territories, one to the other, and thus get a clearer idea of what is involved in my proposition.

You will find the Indian Territory indicated in red on the east. It is only a little less in area than Oklahoma. It has a few thousand population less, according to the census of 1900, and according to the census it has a denser population than Oklahoma. The Indian Territory has 12 people to the square mile, while Oklahoma has only 10. They are of the same character of people and have a common history. They ought to be in the same State for the good of both.

I submit to the House and to the country that it is unjust to the people of the Indian Territory to provide for the admission of all of the rest of our Territories between the two oceans and leave this one in this uncertain and undesirable attitude. These people deserve a better fate.

If we are to pass the bill to admit three Territories, then we should cover all of them by taking in the Indian Territory.

I do not undertake to speak for the politics of either of these Territories. There has been no election to indicate what the politics of the Indian Territory are, but they are supposed to be Democratic, but if we take the record as to Oklahoma it is Republican. I make no objection on that account, for whether they be Democrat or Republican, it is their right and their privilege to have admission, and then at their own pleasure select their affiliations.

I appeal to Republicans and Democrats alike to consider the condition of those people. They are equally as worthy as the people of Oklahoma. I am willing for Oklahoma to take her own governor, her secretary, and the Dawes Commission and hold this election, and hold the convention in the capital of Oklahoma, giving her any advantage that she can get out of that, but I want the Indian Territory attached now or never. Any other course would be unjust to her. With 800,000 inhabitants the two will have four Representatives on this floor, and they will be worthy of her neighbors, Missouri, Kansas, Texas, and Arkansas.

But, my friends, if you leave them as separate States you will find them both lacking in revenue, lacking in many things necessary to make a great State. Lacking in the money necessary to educate her children, and if they are to become a great people and prosper they must do that. I believe if you will make this State you will make these people glad and do a patriotic duty to all the people of the Union. [Loud applause.]

Mr. HOOKER. Mr. Chairman, I want to say a word in reply to what has fallen from my friend from Arkansas with reference to the adoption of his amendment. He urges it as an act of justice to the Five Semicivilized Tribes. Have they asked, Mr. Chairman, to come in as a State in connection with Oklahoma? Has the Territory of Oklahoma, through its representative upon

this floor, asked it? Whether he be a Democrat or a Republican, it makes no difference to me. No word has been heard in the debate of petitions addressed to this House and referred to the Committee on Territories.

Mr. STEPHENS of Texas. If the gentleman will permit me, I will state that a convention has recently been held in the Indian Territory, at which resolutions were adopted, requesting that they might be added to Oklahoma and admitted to statehood under this bill. I introduced a similar bill requiring that to be done. As the gentleman no doubt understands, the great majority are white people in the Indian Territory.

Mr. HOOKER. That may be the information of the gentleman. My information is that these Indian tribes have not passed upon this question. They have wanted to be made a State under their own laws, and if there is any portion of the territory of the United States which can appeal more earnestly to the Congress of the United States than another, it is the Indian Territory.

From them we have obtained all of the vast region of territory which the white people now occupy, and when we acquired the country from the Cherokees when removed from Georgia and the Choctaws removed from my own State of Mississippi, they were assured under solemn treaties with the Government that the territory which they were to be moved to should be their own; and under this assurance of territorial condition they ought to have the right to be created a State of their own, with Indian blood and the Indian people and Indian sentiment to represent them. If that appeal has been made, why is it not sent to this Congress expressing that sentiment?

I am informed by the most intelligent Indians representing the Choctaws, the Chickasaws, the Cherokees, the Creeks, and the Seminoles that they want a territory of their own government, and they are entitled to it. Let Oklahoma have her Territory created into a State. If the speech of the honorable gentleman from Massachusetts [Mr. KNOX], the chairman of this committee, is to be relied upon, and it was a speech of great power, backed with figures as to the population and wealth and school advantages and all other things; if his speech is to be relied upon, and I do not think a single position taken by him has been shaken by the argument of the gentleman from Ohio [Mr. GROSVENOR], who said he would vote for Oklahoma if separate, it should be admitted. I am going to vote for it because it is connected with the others, and say that we ought to act upon the report of the committee and permit these Territories to come into the Union as States, and then we can wait for the request of the people of Oklahoma and for the request of the semicivilized tribes of Indians. [Applause.]

Mr. LLOYD. Mr. Chairman, I very much regret to express an opinion differing from that which has been asserted by the gentleman from Arkansas [Mr. MCRAE], for whom I have the very kindest personal regard. I am very sorry indeed, however, that he has presented this amendment. I fully agree with everything he said on yesterday with reference to the condition of the people in the Indian Territory.

I am aware of the fact that those people are without government, that they are practically in a state of rule by justices of the peace, and that the only additional rule is that of the civilized tribes. I concede that they need some kind of government. I fully concur in all that has been said with reference to that particular feature in this controversy.

The Committee on Territories has very carefully considered the question of what should be done for the Indian Territory. Hearings have been given to all parties connected with this matter, and after careful consideration it has been determined that the Indian Territory ought to have a Territorial form of government.

There is pending before this body to-day what is known as the Moon bill, which provides a form of government for them. Gentlemen now insist that they ought to have statehood. Why, the Indian Territory has served no probationary period. New Mexico and Arizona have served their long period of probation; Oklahoma has been a Territory of the United States for these many years, but the Indian Territory has never had government. The truth is the civilized tribes have a rule there of four years more by reason of the treaty relations that exist between them and the Government. The thing that ought to be done, in my judgment, is to establish there a Territorial form of government.

But I am not concerned at this time to give my opinion on this subject. There were hearings before the Committee on Territories, and there has been a great amount said and done with reference to the question of statehood. You would suppose from what has been said thus far in the debate that there is only one opinion in the Indian Territory, and that is that they desire to be a State in this Union, a part of the State of Oklahoma. The people themselves, according to the information that the committee has, do not desire to become a part of Oklahoma and do not desire at this time statehood.

Mr. MCRAE. Will the gentleman tell this side of the House why that provision was put in the bill for emasculating the Indian Territory by piecemeal?

Mr. LLOYD. That was placed there to satisfy an element of which my friend from Arkansas is a faithful representative.

Mr. MCRAE. I deny it. I would not vote for that separate proposition if it cost me my seat in Congress. I regard it as a most iniquitous one, and the gentleman must not charge me with any responsibility for that provision.

Mr. LLOYD. The gentleman did not quite understand me. I have no charge to make against the gentleman as being the author of that clause in this bill. I answer his question by saying that in the consideration of this Territory by the committee, after hearing the parties, there was a concession made to an element which the gentleman from Arkansas represents, and that element insisted that they should be a part of Oklahoma.

Mr. MCRAE. I would like to see the color of the man's eyes who lives in the Indian Territory or has any interest in it that would consent to a proposition like this.

Mr. LLOYD. Now, if the Chair please, I am not willing to be called away from the point I was undertaking to discuss at this time. My time, of course, is limited. I wish to call attention to the fact that there was in Oklahoma a statehood convention, and that convention was the largest ever held in the Territory of any kind. It passed a unanimous resolution in favor of separate statehood, and appointed a committee to present their views to Congress, which appeared before the Territorial Committee and demanded the consent of the House to their request.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. LLOYD. Mr. Chairman, I would like further time.

The CHAIRMAN. The gentleman from Missouri asks that his time be extended. Is there objection?

There was no objection.

Mr. LLOYD. I thank the committee for this compliment.

Mr. STEPHENS of Texas. Will the gentleman allow me an interruption?

Mr. LLOYD. Certainly.

Mr. STEPHENS of Texas. Was there not held in the Indian Territory recently a convention by citizens of that Territory, representing all parts of it, known as the "single statehood convention," in which they passed resolutions asking to be added to Oklahoma, and making it form one State; and is not it a fact that the great majority of white voters of that country are demanding that at the present time; and have not you had petitions before your committee to that effect, and have not you heard arguments before your committee for that to be done?

Mr. LLOYD. We had before the committee a number of petitions from towns in the Indian Territory insisting that they should not be made a part of Oklahoma. There were also petitions asking that it should be made a part of it. They had a convention at the time named, but I can not concede all that is implied in the question. There was another convention in the Indian Territory, composed of both parties, and at that convention they passed resolutions against statehood.

Now I want to call attention to what a citizen of the Indian Territory said about this matter in the hearings before the committee. The individual to whom I refer is Col. R. L. Owen, a very intelligent gentleman. He said:

I am a citizen of the Indian Territory. I have lived there twenty-three years. My people have lived there ever since it was inhabited by civilized man. My great-grandfather was a Scotchman and took the first band of Indians into that country. I represented the Cherokees in charge of their school for four years and then I represented the United States as Indian agent for the Five Civilized Tribes, and know those people there very well.

In speaking of the single statehood convention he said:

In their enthusiasm they imagined that they represented all the people of Indian Territory and Oklahoma, but as a matter of fact those who assembled there met under a call which provided that only those who were in favor of single statehood should be there.

Their meeting was unanimous—

Of course it would be—

it was harmonious—

Certainly so—

they passed resolutions embodying their own ideas. They did not invite those that were not in favor of single statehood to attend the meeting. Before that convention for the purpose of resolving in favor of single statehood, about every business man in Muskogee, including the presidents and cashiers of the banks, and all the business men almost without exception, signed the call for a meeting for the purpose of giving expression to their opinions on statehood.

I was at the convention and was made chairman of the committee on resolutions and drew them. I drew them in accordance with the sentiment of the Territory. Those resolutions were passed unanimously and were against statehood.

You will find further in the hearings that various individuals have been interrogated with reference to the sentiment in the Indian Territory, and I believe it is true that the portion of the Indian Territory lying next to Arkansas—nearest to that which is

represented by my friend from Arkansas—has many advocates of single statehood; but the testimony of two leading witnesses was to the effect that nine-tenths of the people of the Territory are opposed to single statehood. With reference to the sentiment of the Territory, there can be no question. I think, from the testimony before the committee, that the Territory of Oklahoma is decidedly opposed to single statehood. The people there are concerned to have separate statehood.

One objection raised here is that this Territory has not sufficient area for a State. I was surprised that the gentleman from New Jersey [Mr. PARKER] should insist on this objection, coming, as he does, from a State not one-fourth as large as the Territory of Oklahoma and not one-fifteenth as large as the Territory of New Mexico. Yet he says that the three Territories should be bound into a single State; and that is his argument.

But, Mr. Chairman, so far as I am concerned, I wish to do that which is best. I have no personal concern except to secure that which will inure to the benefit of the Indian Territory and Oklahoma. Their wishes should be consulted to ascertain what they desire; and I believe as firmly as I believe anything that the people of Oklahoma are decidedly opposed to single statehood, and that a majority of the people of the Indian Territory oppose it, and that it should not be imposed upon them.

Mr. Chairman, I desire at this time to submit some general observations on the bill.

No question of higher privilege can be considered by this body than the one enabling a Territory to become a State of this Union. To-day three large areas of country, with a considerable population and great wealth and resources, ask for statehood, and this House is charged with the important duty of voting to enable them to become commonwealths in this great domain or to prevent them from the enjoyment of such privilege. The original thirteen colonies all became States of their own volition. They are responsible for the declaration of their rights and the accomplishment of their independence. They made the sacrifice in the Revolutionary period which resulted in their triumph at Yorktown and their recognition by the nations of the world as a free people and an independent government. They made the Constitution which determined the rights of citizenship and exalted the people to sovereignty. They laid well that foundation on which the governmental structure of to-day so securely rests and sent a triumphant republic on its march to supremacy.

It is my purpose at this time to give a brief résumé of the history of the legislation that has added so many States to the original 13 and to present, if I may, the motives which seemed to actuate Congress from time to time in its consideration of the numerous applications for statehood which have been presented. I shall be pleased also to gather from the records of Congress the requirements demanded for the exalted position of partnership in the American Union, if it may be done.

The Continental Congress, in 1787, two years before it was superseded by the Congress provided by the Constitution, passed an ordinance for the government of the Territories northwest of the Ohio River, the subsequent division of that territory into States, and expressly declared that—

Whenever any of the several States have 60,000 free inhabitants therein, such States shall be admitted by its Delegates into the Congress of the United States on an equal footing with the original States in all respects whatsoever, and shall be at liberty to form a permanent constitution and State government, and, so far as it can be, consistent with the general interest of the Confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than 60,000.

The act of Congress of May 26, 1790, establishing a government for the territory south of the Ohio River, provided that the inhabitants were to enjoy all the privileges set forth in the ordinance of the late Congress for the government of the Territory of the Ohio. By common acceptance, as well as by these general terms, it was understood that when any organized Territory, on either side of the Ohio River, with 60,000 inhabitants asked for admission it was, as a matter of right, entitled to statehood.

The first division of territory that asked for admission as a State was Kentucky, but the first to be recognized under legal enactment was Vermont. The latter State was at that time a part of the State of New York, but by the consent of that State and through its own earnest appeal its application was considered. On February 9, 1791, President Washington submitted the petition to Congress, and in the accompanying message said:

I have received from the governor of Vermont authentic documents expressing the consent of the legislature of New York and of the Territory of Vermont that the said Territory should be admitted to be a distinct member of our Union, copies of which I now lay before Congress, with whom the Constitution has vested the object of these proceedings.

Within ten days from that date the Green Mountain State was admitted into the Union. It was then the seventh State in area and had a population of 85,425. The glorious flag of victory which had been aloft on so many bloody battlefields was now to have another star, emblematic of the new relation which it sustained by this addition to the family of States.

Kentucky secured the passage of its bill for admission several days before that of Vermont, but by the provisions of the act itself the date of recognition was fixed, and ere that period was reached Vermont had been accepted as a State. In the message of President Washington to Congress in December, 1790, he stated:

Since your last session I have received communications by which it appears that the district of Kentucky, at present a part of Virginia, has concurred in certain propositions contained in a law of that State, in consequence of which the district is to become a distinct member of the Union in case the requested sanction of Congress be added. For this sanction application is now made. I shall cause the papers on this very important transaction to be laid before you. The liberality and harmony with which it has been transacted will be found to do great honor to both the parties, and the sentiments of warm attachment to the Union and its present Government expressed by our fellow-citizens of Kentucky can not fail to add an affectionate concern for their particular welfare to the great national impressions under which you will decide in the case submitted to you.

The resolution accepting Kentucky as a State passed the House January 28, 1791, without a dissenting vote, and the Annals of Congress have this record of its passage:

On motion of Mr. Brown, the House resolved itself into Committee of the Whole and took up consideration of the bill providing for the admission of Kentucky into the Union, Mr. Bodinst in the chair. The Chairman reported the bill to the House without amendment, and, on motion, it was read the third time, and passed.

The Senate had previously considered it, and it only remained for the President to approve the act of Congress, which was done February 4, 1791, and it, with its population of 73,677, became the fifteenth State in the Union. This daughter of Virginia, the first to leave the maternal fold, was then the home of Daniel Boone and a year later became the residence of Henry Clay. What a history one hundred and eleven years has made. How many a son of the West has, within that period, begun his biography "born in Kentucky," and how many living to-day point with pride to their ancestors who migrated from the blue-grass region.

The next applicant for statehood was Tennessee. There was quite a debate over its admission. It was contended that by the compact previously made no Territory could become a State unless it had a population of 60,000; that to determine the question of the number of its inhabitants the Territorial census must have been taken by authority of the General Government. On the other hand, it was claimed that it was optional with Congress whether it accept into the Union organized Territory with less than 60,000 inhabitants and that no law directed who should take the census, and this view was finally accepted. According to the census of 1790 Tennessee had a population of 35,691, but by a census taken by authority of the Territorial legislature in 1795 it had 66,000 inhabitants. In the course of the debate James Madison, afterwards President, in referring to the condition of the Territory, said:

The inhabitants of that district of the country are at present in a degraded situation; they are deprived of a right essential to free men—the right of being represented in Congress. Laws are made without their consent or by their consent in part only. An exterior power had authority over their laws; an exterior authority approved their execution, which was not analogous to the other parts of the United States and not justified by anything but an obvious and imperious necessity.

How well did he describe the condition of the Territories to-day, and before ballots are cast against admission it would be well to measure these Territories by his standard of right and duty. After several days' discussion the bill passed the House by a vote of 43 to 30, the vote in the Senate on the same proposition was 15 yeas to 8 nays. In May, 1796, the bill was approved, and the first organized separate Territory was accepted as a State. Within a short time it elected Andrew Jackson as its first representative in the popular branch of Congress.

Ohio, in 1802, prepared its constitution and demanded statehood. In 1800 it had a population of 45,365, and it is hardly probable that in two years it had reached the number of 60,000 which entitled it to admission. But no question was raised against its coming into the Union, and practically by unanimous consent it was received. Its constitution was voted on in November, 1802, and many claimed that as the date of admission. But the more satisfactory statement seems to be that its admission should date from its first recognition by Congress or the Executive, which was in February, 1803. This Commonwealth has a marvelous history. Virginia may be the mother of Presidents, but Ohio has in recent years been the possessor of them. It is now the fourth in population, and ranks high in education and material wealth. It is entitled to have its centennial anniversary with the people of the Louisiana purchase, because it was admitted by President Jefferson the same year that Louisiana was obtained from France.

LOUISIANA.

The fifth State admitted to the Union was Louisiana, a part of Jefferson's purchase. This legislation was perfected April 12, 1812, a little less than three years before the crowning event of that war, in which General Jackson completely defeated the British at New Orleans. There had been much contention about what should be the boundaries of the new State but at last it

was accepted with its present area. One of the principal advocates of statehood was Henry Clay. The census of 1800 gave Louisiana a population of 76,556, much beyond the limit then required, but no question of the number of inhabitants was raised during the discussion.

Then came, sixth in order, a part of the Northwest Territory, the district of Indiana, and asked for admission under the Federal Constitution. But a serious question was raised here, more important than in the case of Tennessee. Its population in 1810 was only 24,520. Notwithstanding its apparent lack of inhabitants it was accepted and admitted to the full rights of statehood December 11, 1816, and its people were given that freedom which all men may properly demand and which is vouchsafed under the Constitution and Declaration of Rights promulgated by our fathers.

A year later the Territory of Mississippi, then a part of Georgia, through its Territorial legislature, asked for recognition as a State. It had been ceded by the Continental Congress to Georgia, with an agreement that afterwards it might become a State, in these words:

That the territory thus ceded will form a State and be admitted as such into the Union as soon as it shall contain 60,000 free inhabitants, or at any earlier period if Congress should think it expedient.

In the debate on the resolution it was argued that it should not be accepted, because its area was too great, and that in time its influence would be too powerful. These insisted that it should be divided. Others believed that if it should be divided the population would not be sufficiently large to admit either part of it, and especially the eastern division. After a vigorous discussion that lasted for days, it was determined to admit the western portion, now the State of Mississippi, and the eastern part was formed into a Territory, which afterwards became the State of Alabama. In 1810 the then Territory of Mississippi had a population of 40,352, but in 1820 the State, as limited by Congress, had 75,448 inhabitants. December 10, 1817, marks the acceptance of Mississippi, in the first year of the Administration of James Monroe and about the time of the death of Thaddeus Kosciuszko, the great Polish general and patriot for whom one of its counties is named.

Illinois was the next to seek statehood. The bill asking for an enabling act named boundaries which would have made a State no part of which would have touched Lake Michigan. The great city of Chicago, now the pride of the State, would have been part of Michigan. An amendment to the bill was made at the instance of Mr. Polk which fixed the present boundaries. The only contest was on this amendment. The bill passed both House and Senate almost unanimously, and on December 3, 1818, it became a State. The census which followed in 1820 showed a population of 55,211, so that it fell much below the 60,000 limit at admission, but now the city of Chicago alone contains over a million and a half inhabitants. This was eighteen years before the present chairman of Appropriations made his advent into the world and fifty-four years before he was sent to Congress.

From the Southland came the next petition. Alabama, two years before its present junior Senator, Mr. PETTUS, was born, asked for recognition as a State. The census of the following year gave its population as 127,901. There were no serious exceptions urged against its acceptance, and on December 14, 1819, in the year of the birth of Queen Victoria and the cession of Florida to the United States, it was admitted into the Union as the Twenty-second State.

Maine, a part of Massachusetts, sought separate statehood. Quite a contention arose in Congress over an attempt to admit Missouri and Maine together. It was sought by this means to compromise the slavery question, and admit one as slave and the other as a free State. But this proposition failed and Maine was accepted March 15, 1820. It had then a population of 298,335. Its boundaries were practically the same as at present. In 1783, in the treaty with England, the boundary between the two countries was fixed, but in 1827 points of difference had arisen which were referred to the King of the Netherlands for settlement. His award was in the nature of a compromise, but more favorable to England than to this country. At the earnest solicitation of Maine this award was rejected, but after severe and threatening complications the boundary was fixed by the Webster-Ashburton treaty of 1847, which was slightly more favorable to Maine than the previous award but not much different from it.

One of the bitterest sectional debates in Congress up to 1820 was on the bill to admit Missouri as a State. The contention was over the proposition to admit it as a slave State, and finally resulted in a compromise, whereby Missouri was to retain its slaves, but slavery was not to be permitted north of 36° 30' north latitude in any State to be admitted thereafter. The vote on this compromise in the House was 90 yeas to 87 nays. But few speeches are more interesting than those made on this memorable bill. I wish to quote a few words from Mr. Kinsey, of New Jersey, who said:

We have arrived at an awful period in the history of our empire, when it behooves every man of this House now to pause and consider that on the next

step we take depends the fate of unborn millions. I firmly believe that on this question now before us rests the highest interest of the whole human family. Now, sir, is to be tested whether this grand and hitherto successful experiment of free government is to continue, or after more than forty years of enjoyment of the choicest blessings of heaven under its administration we are to break asunder on a dispute concerning the division of territory. Gentlemen of the majority have treated the idea of a disunion with ridicule, but to my mind it presents itself in all the horrid, gloomy features of reality; and when we unfold the volume of past ages and in the history of man trace the rise and fall of government we find trifles light as air compared with this dissolving the most powerful confederations and overturning extensive empires.

How thoroughly prophetic was this utterance. How vividly did he present the picture of the contest that came forty years later. But the real sentiment of this appeal, devotion to the Union, and a desire that its blessings should be forever enjoyed, applies with equal force to the Territories applying for statehood to-day. No trivial matter should stand between us and our duty, and the voice of 900,000 souls begging for civil liberty, the right of self-control, and the opportunity to participate in the counsels of the country should not be passed unheeded. Missouri, a part of the Louisiana purchase, which now possesses the metropolis west of the great Father of Waters, the place where the great world's fair is to be held, was accepted into the Union August 10, 1821, and Thomas H. Benton became one of its first Senators. This State had at the time of the passage of its enabling act only 66,586 inhabitants, but now it has as great a population as the original States when Washington was inaugurated President. It became a State in the year that Napoleon Bonaparte died on the lonely island of St. Helena.

In 1836 Arkansas claimed the privilege of statehood and insisted that no enabling act by Congress was necessary. It relied upon the provision of the treaty with France made in 1803 which stipulated that—

The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and be added as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of the citizens of the United States.

They sought to have a convention to frame a constitution, but the governor of the Territory endeavored to prevent the people from accomplishing this purpose. He inquired of President Jackson how this could be accomplished, who replied:

The people undoubtedly possess the ordinary privileges and immunities of citizens of the United States, among them the right to peacefully assemble and to petition the Government for the redress of grievances. If, therefore, the citizens of Arkansas think proper to accompany their petition by a written constitution framed and agreed upon by them in assembly or by a convention of delegates chosen by such assemblies, I perceive no legal objection to their power to do so.

The people, however, in order to avoid complications made the ordinary application to Congress praying for admission, and without serious contest their prayer was granted June 15, 1836, and Arkansas became the twenty-fifth State in the Union. It had at that time a population of 52,240, and in the census which followed, in 1840, the population was 97,574.

Michigan was established as a Territory in 1805, and did not apply for statehood until 1832, and then only to receive adverse action. The bill was revived in the next Congress, in 1834, but it likewise met defeat. No satisfactory reason was given for this action, and judging from the record of the vote it must have been rejected on partisan grounds. Undaunted and determined, the application was again renewed, and after a vigorous and prolonged contest, in which the strongest men in Congress participated, the bill passed. In the Senate Benton, Clay, and Calhoun engaged in the discussion; Benton favored admission and Clay and Calhoun opposed it. In this instance the points in controversy were the proposed boundary line and the alleged misconduct of the people. By a close vote it was determined to admit Michigan, but with a changed boundary and on the condition that her people, in a convention to be called for that purpose, should assent to the change of boundary, which assent when obtained should authorize the President to announce the admission by proclamation. A convention was called through the legislature to consider the terms fixed by Congress for admission, but the convention rejected the same and refused to be admitted on the basis fixed by Congress. Later, however, delegates were elected to a convention which did accept the provision of the Congressional act. President Jackson, in his message to Congress on this subject, stated:

The latter convention was not held or elected by virtue of any act of the Territorial or State legislature. It originated from the people themselves and was chosen by them in pursuance of resolutions adopted in primary assemblies held in the respective counties. The act of Congress, however, does not prescribe by what authority the convention was to be ordered or the time when or the manner in which it was to be chosen. Had these later proceedings come to me during the recess of Congress, I would have felt it my duty, on being satisfied that they emanated from a convention of delegates elected in point of fact by the people of the State, for the purpose required, to have issued my proclamation thereon as provided by law; but as the authority conferred on the President was evidently given him under the expectation that the assent of the convention might be laid before him during the recess of Congress, and to avoid the delay of a postponement until the meeting of that body, and as the circumstances which now attend the case

are in other respects peculiar and such as could not have been foreseen when the act of June 15, 1836, was passed, I deem it most agreeable to the intent of that law, and proper, for the reasons that the whole subject should be submitted to the decision of Congress, to present it to your body. The importance of your early action upon it is too obvious to need remark.

Under the circumstances I have detailed Michigan was admitted into the Union by action of Congress January 26, 1837. In 1830 its population was 31,639, but during the decade following it grew rapidly, so that in 1840 the census showed 212,267 inhabitants. This year was marked by the accession of Queen Victoria to the Throne of England and the inauguration of Mr. Van Buren as President.

Florida became a part of the United States in 1821. It first applied for statehood in 1839, but in 1840 had a population of only 27,943 whites. It had, since the visit of Ponce de Leon, in 1512, been the theater of warfare more or less and had been controlled by various countries. Not until the year 1845 was it ever permitted to enjoy absolute freedom. It was then accepted as a State by Congress without contest.

This was within four years of the birth of all its present Representatives in both branches of Congress. It had in the census of 1850 a population of 87,445, so that at the time of its admission it had evidently passed the 60,000 limit. This was the last of the eleven States known as the Confederate States to join the Union, but it, like all the rest, now renders the most faithful allegiance to that flag which had in its beautiful folds the twenty-seventh star because of its acceptance, and is one of the two States which, following the election of 1876, was in contest, and, because of its doubtful vote, the 8 by 7 electoral commission was called upon to determine who was President, Mr. Hayes or Mr. Tilden.

Texas first declared its own independence the 20th of December, 1835. Shortly after, however, Santa Anna captured the Alamo, whence only three persons were permitted to escape—a woman, child, and a servant. A second declaration of independence was announced March 1, 1836. A government was then speedily established, and in March, 1837, the United States acknowledged the independence of Texas. A treaty was proposed April 12, 1844, annexing Texas to the United States, but was rejected by the Senate June 8 of that year. Joint resolutions providing for the annexation of Texas passed the United States House of Representatives in January, 1845, by a vote of 120 to 98, and were passed by the Senate by a vote of 27 to 25 a few days later. The principal objection to annexation was the slavery question. But another serious trouble was its unsettled relations with Mexico. The President approved the resolution of annexation March 1 thereafter. During the summer following a convention was held by Texas, and it accepted the annexation proposition, and by act of Congress approved by President Polk December 29, 1845, Texas was admitted as a State. The census five years later gave it a population of 212,592.

Iowa, the fourth State of the Louisiana purchase to be admitted, claimed the benefit of the cession from France as Arkansas had previously done. In 1834 it was a part of Michigan, and in 1836 was placed under the jurisdiction of Wisconsin. In 1838 it was organized into a Territory, with Burlington as its capital. In 1845 Congress passed an act fixing the boundary of the Territory, which was accepted through a convention of the people assembled for that purpose, and on December 28, 1846, was admitted as the twenty-ninth State, when the present Speaker of the House of Representatives was but 6 years old. No question of a serious character was urged against its admission after the boundary had been fixed. It had in 1850, according to the census, a population of 192,214, which was an increase of 500 per cent over that of 1840. This State has an Indian name, which is said to mean the beautiful land.

Quite a spirited debate arose in Congress over the proposed boundary of Wisconsin at the time of its application for statehood. Three different boundaries were suggested and each had its warm adherents. At last it was admitted with its present boundary. In the census following it had a population of 305,391, ten times that of 1840. It was March 3, 1847, that Congress provided for admission, when the constitution should be approved by the people. The constitution submitted to the people was rejected. It was afterwards amended and resubmitted and accepted at the second vote. Congress on May 29, 1848, admitted it as the thirtieth State in the Union. It was during this month that the treaty was ratified between Mexico and the United States which ceded California and New Mexico to this country and within a few weeks of the proclamation declaring France a Republic.

The treaty of cession by which California and New Mexico were obtained had the following, among other provisions:

That the Mexicans who remain in the ceded territory and become citizens of the United States shall be incorporated into the Union and admitted at the proper time (to be judged by the Congress of the United States) according to the principles of the Constitution; and in the meantime shall be maintained and protected in the full enjoyment of their liberty and property and secured in the free exercise of their religion without restriction.

Attempt was made by Congress in 1848 and 1849 to organize a Territorial government for the new Territory, but owing to the questions of slavery, boundary, and form of government which arose it adjourned without making any arrangements for its government. Thereupon the military governor of California called a civil convention of the people to frame a constitution for themselves June 3, 1849. The convention met in obedience to the proclamation of the governor and framed a system of government for the State, and in it was a provision which accepted any changes suggested by Congress which might be agreed to by the State legislature. In November following the constitution was adopted. The legislature elected at that time convened in December and elected United States Senators. John C. Frémont and William M. Gwin were the persons chosen. In 1849 and 1850 the question of the admission of California was prominent before Congress. It had declared itself a free State.

Southern members were anxious that it be a slave State, and on this rock different elements contested. The Northern States believed that if it came in as a slave State they would lose the balance of power; if as a free State, they could overcome the aggressive movement of the South. For several weeks the agitation continued, with Webster as the leader of the antislavery party and Calhoun as the champion of slavery. It was at last admitted as it had asked, and within a day thereafter, September 11, 1850, its Senators took the oath of office. California had at that time a population of 92,527. This year was marked by the ratification of the Clayton-Bulwer treaty, with reference to the communication by ship canal between the Atlantic and Pacific, and also by the abolition of the slave trade in the District of Columbia.

At the time Minnesota asked for admission two serious questions arose to prevent her progress. One was what should be her boundary; the other whether her electorate should be confined to citizens of the United States in the selection of delegates to the State convention. After a protracted discussion, it was decided that only citizens should enjoy the elective franchise. The boundary question was settled without serious friction, and the enabling act was passed by a vote of 97 to 75 in the House and met but little opposition in the Senate. The date of its admission was May 11, 1858. In 1860 it had a population of 172,023. This State was admitted in the year of the execution of John Brown, of Virginia, and the death of Washington Irving and Lord Macaulay.

Oregon applied for admission near the close of the Administration of Franklin Pierce. The enabling act passed the House, but was defeated in the Senate. The bill was renewed in the next Congress, but met with a vigorous opposition, led by Hon. J. A. Grow, now of the House. The reason assigned was the action of Congress in the preceding session in making objectionable requirements of the people of Kansas. Mr. Grow had made a report favorable to the admission of Oregon in 1857, but was not now willing to admit this as a Democratic State when conditions had been placed on Kansas which, in his judgment, would not be accepted by the people. After a stubborn contest the bill passed the House by a vote of 114 yeas to 103 nays. The bill was approved February 12, 1859. At the census following it had a population of 52,465.

Kansas had a more strenuous and protracted opposition to admission than any State. There were two serious questions on which the people were divided, and Congress as well—slavery and the right of the State to dispose of the Government lands within its borders. Both Houses of Congress, April 13, 1858, passed by majority vote the bill which admitted Kansas to statehood; but certain restrictions and conditions were made with reference to slavery, which it was required to accept before admission. When these propositions were submitted to the people, they were rejected. Again it applied for statehood in 1860. The Committee on Territories, in reporting the conditions of the State at that time, said:

The government under which they have been forced to live began with a desperate, cruel, and bloody establishment by armed usurpation, and was marked in its continuance by the revolting atrocities which characterize savage warfare, emanating directly from the Territorial organization or supported and defended by those clothed with its authority.

After protracted discussion, involving the political conditions of the time, the bill for admission was finally passed, and Kansas, notwithstanding its turmoil, division, and strife, became a State in the Union near the beginning of that fratricidal war which resulted in the loss of so much blood and treasure. It had a population of 107,206.

At the beginning of the civil war many of the mountain counties of Virginia were opposed to secession. Quite a conflict arose between these counties and the other portions of the State. They held various conventions and public meetings, with Wheeling as a headquarters, from time to time, and protested in every way against committing the State to the South and expressed their desire to remain a part of the Union. They conferred by delegates

and otherwise with the State authorities and the members in Congress for Virginia, but with no hope of agreement. The result of this unfortunate condition of affairs led to a division of the State, and West Virginia, by proclamation of the President, became a separate State June 19, 1863, and was recognized as in every way loyal to the Union and in opposition to the sentiment of the South. There was no separate census until 1870. There never was any question about the number of population being sufficient to entitle that part of Virginia to recognition as a State. This division was one of the unfortunate outgrowths of the civil war and was fully justified by the conditions that then existed, and doubtless it is fortunate for both sections of the original State that the division was then made, as well as for the common country.

In 1862 the Territorial legislature passed an act authorizing the framing of a State government in Nevada, but owing to political dissension the people decided against a State government. Mr. STEWART, now Senator from that State, was one of the members of the Territorial convention and opposed statehood. In January, 1864, Congress was again asked to authorize the people to frame a constitution, and it did so, and they by an overwhelming vote adopted the constitution, which had been framed in accordance with the act of Congress, and by the proclamation of President Lincoln Nevada was recognized as a State October 31, 1864. It had at the census following a population of 42,491.

In the midst of the throes of civil combat, with the smoke of battle blackening the heavens with its deadly flame, Nebraska, loyal to the Constitution and the cause of the North, begged for full recognition and the enjoyment of self-government. The country of the Platte was permitted by act of Congress to form a State government April 19, 1864, and the State of Nebraska ratified through its people on January 21, 1866, a constitution by the close majority of 100. In July, 1866, a bill passed Congress for its admission, but did not receive the signature of the President.

In January, 1867, another bill passed both Houses of Congress, but was vetoed on the ground that it embraced conditions not found in the enabling act and on which the people had not decided and to which they had not consented. The conditions to which the President referred were that it should agree that there was to be no denial of the electoral franchise or any other right to any person by reason of race or color. He gave as a further ground for his veto that the people of the Territory were not sufficient. But Congress, on the 9th of February, 1867, passed the act over the President's veto. The legislature within two weeks accepted the conditions named in the act, and the President, on the 1st of March, 1867, made formal proclamation of its admission. The population of Nebraska in 1870 was 122,993, plainly showing that there was no ground for the veto of the President on account of the number of its inhabitants.

An effort was made in 1863 to secure an enabling act for Colorado, but without avail. In March, 1864, however, Congress passed an act enabling the people to frame a constitution. Later in that year an election was held, but the people very properly refused to accept statehood, because they were of the opinion that its expense would be so great as to be burdensome to the people and because the organic act of the Territory restricted the right to vote to free white male citizens of the United States and by specific enactment had provided that no negro or mulatto should enjoy the electoral franchise. Again, in 1865, a convention was called, which promulgated a constitution which, when submitted to the people, was accepted by them. Shortly after Senators were elected and sent to Congress. They were, strange to say, accepted, notwithstanding the Constitutional provision.

Congress agreed to admit the State, but President Johnson vetoed the bill for admission. The reason given for his act was that its population was not sufficient, but the actual cause of this veto, it is claimed, was that the two Senators, Chaffee and Evans, would not pledge themselves to vote against Johnson's impeachment. In 1868 a similar bill was passed, and another veto was given. The Senate only lacked one vote, however, of having the necessary two-thirds to pass it over his veto. Various other attempts were made, but not until March 3, 1875, was an act for statehood adopted. In July, 1876, a new constitution was formed and adopted by an overwhelming vote, and Colorado became the Centennial State, and elected as one of its first actual Senators the present senior Senator from that State [Mr. TELLER]. The population in 1875, by State census, was 135,000, but in 1880 the Government showed the number of inhabitants to be 194,327.

The greatest contest that was ever waged over the question of statehood was in 1888, when Montana, New Mexico, Dakota, and Washington asked for admission. The discussion came over a bill to divide Dakota and to admit South Dakota as a State. The division was largely on political grounds, although the arguments gave support or opposition for other reasons. One party favored the admission of Dakota, but objected to its division; the other

insisted on admitting South Dakota and in making North Dakota a Territory. The question of division had previously been voted upon by the people, and North Dakota gave a majority of 10,388 votes against it and South Dakota 15,259 votes in favor of it. After extended discussion, in which the two Houses of Congress disagreed, it was finally determined in conference on February 22, 1889—on Washington's birthday and in the centennial year of the Constitution—that New Mexico should be dropped from the bill and that Dakota should be divided into two States.

The vote in the House on the admission of these States revealed an opposition which asserts itself here to-day. The House bill as it went to the Senate had the two Dakotas, New Mexico, Montana, and Washington in it. If members will examine that vote, they will learn who were friends to statehood then and that the opposition to this bill is consistent at least with its past record. The several legislatures adopted constitutions in accordance with their enabling acts and were accepted into the Union by proclamation of the President—the Dakotas, November 3; Montana, November 8, and Washington, November 11, of the year 1889. In the year following, the census gave these States the following population: North Dakota, 182,719; South Dakota, 328,808; Montana, 132,159; Washington, 340,390. There was thus admitted the greatest area of territory that ever came into the Union in any one year and the largest number of people were permitted the full enjoyment of the benefits of a republican government in that month of any in the history of our institutions.

Idaho applied for admission after its people had adopted a constitution. An interesting controversy arose in Congress over the question of the ratification of their constitution, mainly because it permitted female suffrage. The old question was also discussed, which had been raised in numerous instances, as to whether it was right to accept a State without having previously directed that it should form a constitution. The final vote on the bill was largely partisan. The State in 1890 had a population of 82,385.

About the same time Wyoming presented its constitution to Congress and asked that it be accepted as a State. The same question of female suffrage that was raised in the case of Idaho became an issue on this application, and, in addition, the question of polygamy was discussed, and some believed that the constitution should not be ratified unless there was a stringent provision in it against the usages of the Mormon Church. It was admitted July 11, 1890, and had in that year a population of 60,705.

Utah asked for an enabling act in 1893. The question of polygamy and the influence of the Mormon Church were very thoroughly discussed. There were those who insisted upon the exclusion of Mormons and polygamists from participation at the polls, while others insisted that stringent regulations were not necessary, as the church had abandoned polygamy and had promulgated an edict against it. The act passed enabling them to frame a constitution in July, 1894. The constitution was framed in accordance with the mandates of Congress and submitted to the people and by them ratified. By proclamation of President Cleveland it became a State January 4, 1896. Its population at the last census was 276,749.

The legislation made and attempted on the question of statehood in the past, and the discussions from time to time, show population to have been an important factor in the consideration, and that 60,000 inhabitants was accepted as the number entitling a Territory to recognition. So far as the record discloses no application was ever rejected where there was a population above that limit on that ground alone. And if we shall be governed in our action to-day by the record heretofore made there can be no question about our duty to admit these Territories.

The most annoying division that ever presented itself in Congress was the question of slavery. Recognized Southern States were admitted as slave States without protest, and the Northern States were to be free as a matter of course. But the border and Western States served to agitate the slavery question and to determine its supremacy. Missouri and Kansas bore the burden of this discussion, one forty years before the civil war and the other about the time of its breaking out. The patriot may now rejoice that this question is forever settled and that it will never again enter into the consideration of the right of the State to enjoy the blessings of liberty and self-government.

The question of boundary, which has served to check the progress of statehood in so many instances, does not enter as a factor in determining whether there shall be an enabling act granted the Territories now asking for statehood. Their boundaries are permanently fixed, and, so far as the Committee on Territories is informed, there can no dispute arise in regard to them.

Partisan bias has been a great factor in determining the vote of members in the past, but I see no chance for it to become an element in determining the fate of these Territories. Every

political partisan must support this bill if he would be loyal to party. In 1896 the Republican national platform declared:

We favor the admission of the remaining Territories at the earliest practicable date, having due regard to the interest of the people of the Territories and of the United States.

In 1900 the language of the platform was stronger than before if possible. This language was used:

We favor home rule for and the early admission to statehood of the Territories of New Mexico, Arizona, and Oklahoma.

The Democratic platform of 1900 commits the party in these words:

We denounce the failure of the Republican party to carry out its pledges to grant statehood to the Territories of Arizona, New Mexico, and Oklahoma, and we promise the people of these Territories immediate statehood.

These pledges take the question of statehood out of the domain of politics. Every gentleman on this floor loyal to party is committed by his party to vote for statehood. Is it true that the Democratic charge of insincerity made against the Republicans in the solemn councils of its convention is well founded? Will Republicans enter a plea of guilty to this indictment by voting against admission? This committal is specific. It names the Territories of this bill, and any gentleman, Democrat or Republican, who votes against the admission of any or all of these Territories voluntarily and deliberately violates the injunctions of his party and spurns its demands in this regard.

Aside from any political obligation, we may safely inquire, What are the merits of this bill? There can be no question, if population is considered, that these Territories should be recognized. If area is to be made a factor in determination, they certainly possess the requisite number of acres. The smallest of these, Oklahoma, is larger than Indiana, West Virginia, and a majority of the original States. The largest, New Mexico, is surpassed in size only by Montana, California, and Texas. I take it that it is not necessary to further investigate this phase of the case, for no one would seriously contend that any of them are too small to be free.

It is the duty of Congress to inquire into the ability of these several Territories to maintain the expenses of State government. The assessed valuation of Arizona in 1901 was \$38,853,831.37; New Mexico, \$38,227,878; Oklahoma, \$52,190,365. This is a greater amount of property than was possessed by 12 States at the time of admission. The only added expense is that of the State government, which would add very little to their aggregate taxation as now levied for other purposes. There is not the slightest doubt of the ability of any of these Territories to meet the obligations of statehood in a financial way.

It may be that there are those who believe that speculation and careless business habits characterize those people. But from the commercial reports of the Government it may be learned that there were 1,992 business concerns in Arizona last year and only 2 failures, the best business record of any State or Territory in the Union. New Mexico, with 1,662 business houses, had only 3 failures, and Oklahoma, with 6,862 separate enterprises, had 44 failures. These Territories have made a record that would do credit to any State for careful, cautious business management.

An impartial inquiry as to the character of the people, their education, and habits will show beyond question a superior citizenship, well qualified in every way to perform the duties devolving upon them as citizens of a State. It has been claimed that the percentage of foreign-born population has much to do with determining the character of the population. If this is true, these Territories will not suffer in comparison with the States in the Union. Arizona, which has the largest of this class, possesses a greater per cent of native-born citizens than the North Atlantic States, while New Mexico has 7 per cent and Oklahoma less than 4 per cent of those who are foreign born. There is an erroneous impression as to the nativity of the people of New Mexico especially, for it is supposed by many that its population is largely Mexican; but the census plainly shows that such assumption is untrue. Many of its people are of Mexican origin, but the present population, as a rule, were born in that country.

There can be no question of the patriotism of the people of these Territories. When the call to arms was made in 1898 each of them quickly responded with a full quota of their best citizens, who were willing to enlist in a cause which would remove suffering and oppression and bring the blessings of freedom to a neighboring people, and now they come under the same flag under which they then enlisted and ask that the ban may be removed and the full benefit which their country and ours may bestow may be shared by them. They ask to be sovereigns, not subjects, citizens equal before the law.

Will this earnest and patriotic cry go unheeded? Will gentlemen turn a deaf ear to their appeals? Will partisan pique or personal bias dissuade from recognition? I beg you to listen to their plea, not that of the oppressed, but of those not equal in

advantage, and for the sake of liberty, for the memory of our fathers, who bought it with the sacrifice of their own blood; in honor of him in whose memory there stands in New York Harbor a statue to catch the eye of the immigrant as he gazes for the first time on this land of the free, and in remembrance of the Father of our Country, whose monument towers above all else in Columbia and teaches the stranger that beyond all we place the cause of human liberty.

Now, in the high tide of prestige and achievement near the beginning of the twentieth century, with the bright star of hope shedding its effulgent rays in every direction, with Christian civilization and moral progress placing new laurels on the brow of victory, joined by the strong ties of common interest, striving in unison for the upbuilding of cherished institutions, with the fires of love burning on the altars of home, with the people loyal to country and ready to offer the sacrifices of life itself in patriotic devotion, with hearts filled with sympathy for mankind and with the outstretched arm of needed assistance the Congress of United States says to-day in words of tenderest regard to Oklahoma, Arizona, and New Mexico, You are welcome to the glorious Union, and there shall be added as an earnest of interest in your welfare three stars to the flag, that you may be recognized in full fellowship, crowned with all the honors incident to freedom, partners in every conquest in the uplift of the people, and factors in that development which shall continue to astonish the world and make more appreciable the influence for good which shall be exerted by this Government in its onward march. [Applause].

Mr. LACEY. Mr. Chairman, the Territory of Oklahoma has been made up from time to time of land taken from the Indian Territory, and this bill, in my judgment, very wisely provides that the growth of Oklahoma shall continue, and it shall continue after the admission into the Union. They have organized under the Dawes Commission a method of transition from former conditions to permanent civil government in the Indian Territory. As rapidly as any one of the tribes, or the people in territories inhabited by such tribes, become ready for self-government, as soon as the land becomes taxable, this bill provides that it may be added to Oklahoma. The destiny of the Indian Territory should be linked with Oklahoma, ultimately.

It is not ready at this time for the Union. It is not ready for the transition now. It never should be an individual State. The Creek and Seminole country will, within the next two years, be ready for the transfer, and it is better that this transfer should be made on the installment plan, by piecemeal, as the bill provides, and therefore, while I favor the ultimate single statehood of these two Territories, and believe the legislation should be in that direction, the bill in its present form wisely provides for the gradual acquisition of the Indian Territory as speedily as the Dawes Commission can get through with their work, and therefore, while the general purpose that the gentleman from Arkansas [Mr. McRAE] has in view of the final joining of the two Territories is a wise one, it should not be done at this time, because the Indian Territory is not ready for it. We would have an instance of representation without taxation, as the property of the Indians is now untaxable.

Mr. STEPHENS of Texas. Is it not a fact that a great many States have had inside of them Indian reservations; that numerous Indian reservations have been within Western States, and could not Oklahoma take inside of its boundaries at the present time these Indian reservations and let this Commission get through with its work and let it all the while be a part of the State of Oklahoma?

Mr. LACEY. I would like to say to the gentleman that the most indigestible thing that a State ever had in its stomach is an Indian reservation.

Mr. STEPHENS of Texas. It would be nothing new, however.

Mr. FLYNN. Mr. Chairman, this question was discussed before the Committee on Territories. The Committee on Territories, after having given hearings and considering the matter, inserted the proposition which is contained on page 4 of the bill, which provides that before the State of Oklahoma shall be admitted it shall in its State constitution surrender in advance to Congress the right to add any or all of the Indian Territory to it.

Now, the question arises, Why not do it at this time? I will tell you very frankly. The Indian Territory, covering, as it does, an area equal to the State of Indiana, has not within its boundaries one foot of public highway. They have raised two or three generations of people who do not know the color of a public school. It has scarcely one dollar of property taxed for school or other purposes. It was thought best by the Committee on Territories that a Territorial government should first be given it. They have never had any kind of government except the Indian government. The Committee on Territories have unanimously reported a bill for a Territorial form of government for that Territory.

As a representative of the Territory of Oklahoma, asking statehood here, I say that I never will consent to the admission of Oklahoma at this time with the Indian Territory without provision first being made by Congress to protect the Indian Territory, to furnish it money and lands for its public schools.

Oklahoma has gone on and has reared a commonwealth that everybody here is proud of, whether he votes to pass this bill or not, but we do not feel that it is right to take one-half of the property we have and divide it with the people in the Indian Territory, who, as I say, have not one acre of taxable property within the confines of an area equal to the size of the State of Indiana. It will take, if you should admit them, if you had the power to do it—you may say you have the power, but I deny that you have it now in fairness under the treaties, because in the recent treaties made with some of those Indians in order to get them to surrender the titles of their land we said that we would place no government over them other than what they had for six years from the time that we ratified the treaty, and if the amendment of the gentleman from Arkansas should prevail you would repudiate the several agreements made with those Indians, and if you carry out your agreements it will be impossible to add it to Oklahoma until 1906.

Mr. McRAE. I want to ask you if the Territorial bill will not violate this treaty you speak of?

Mr. FLYNN. I do not think so.

Mr. McRAE. Then I should like to know if the Territorial bill brings with it any taxable property?

Mr. FLYNN. No more than it would if it admitted the same Territory to statehood. But I will tell you what you can do. You can have these people under some kind of a civilized government, which is more than they have had. The struggling State of Oklahoma ought to be allowed to go on in its onward march, and let Congress take care of the Territorial government of the Indian Territory just the same as you did for us. That is what you gave Oklahoma first. We had no taxable property when you gave us Territorial form of government. We have gone on now and in the matter of taxable property, as in other things, we have as creditable a showing as can be made.

But let me say to you that it will take \$10,000,000 to get public highways alone in the Indian Territory. If you should admit Oklahoma as a State, do you want her to pay for that? Oklahoma has a larger school fund to-day than any State in the Union, and I for one will never consent that one dollar of that shall be diverted to the Indian Territory or any other place. Why? Because the land from which we derived that school fund came from within the boundaries of Oklahoma, and not an acre of it from within the boundaries of the Indian Territory. I believe that eventually Oklahoma and Indian Territory will be one State. The bill I introduced and which is incorporated in this omnibus bill has that object in view, but Congress must first equalize the school fund so that Oklahoma will not be asked to support the schools of the Indian Territory.

Mr. KNOX. I move that debate upon this amendment be considered closed.

Mr. McRAE. I should like to be heard for about a minute.

The CHAIRMAN. The gentleman from Massachusetts moves that debate on the amendment be considered closed.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas.

The question being taken, on a division, demanded by Mr. McRAE, there were—ayes 57, noes 103.

So the amendment was rejected.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. ALLEN of Maine having taken the chair as Speaker pro tempore, a message from the President of the United States was communicated to the House of Representatives by Mr. B. F. BARNES, one of his secretaries, who informed the House of Representatives that the President had approved and signed bills of the following titles:

On May 3, 1902:

H. R. 1012. An act granting an increase of pension to Patrick Moran;

H. R. 1086. An act granting an increase of pension to Francis W. Pool;

H. R. 1742. An act granting an increase of pension to Alonzo Lewis;

H. R. 4129. An act granting an increase of pension to Lonson R. Burr;

H. R. 5170. An act granting an increase of pension to Frederick Wright;

H. R. 5560. An act granting an increase of pension to Annie L. Evens;

H. R. 7149. An act granting an increase of pension to Ephraim D. Dorman;

H. R. 7994. An act granting an increase of pension to Margaret M. Grant;

H. R. 9494. An act granting an increase of pension to Mary A. Address;

H. R. 10173. An act granting an increase of pension to Richard Trist;

H. R. 10179. An act granting an increase of pension to Theron R. Mack;

H. R. 10449. An act granting an increase of pension to Sarah H. Lake;

H. R. 10795. An act granting an increase of pension to William A. Campbell;

H. R. 11545. An act granting an increase of pension to Caroline E. Boyd; and

H. R. 12468. An act granting an increase of pension to Phineas Curran.

ADMISSION OF OKLAHOMA, ARIZONA, AND NEW MEXICO AS STATES.

The committee resumed its session.

The Clerk read as follows:

SEC. 3. That the delegates to the convention thus elected shall meet at the seat of government of said Territory on the fifth Tuesday after their election, excluding the day of election in case such day shall be Tuesday, and, after organization, shall declare, on behalf of the people of said proposed State, that they adopt the Constitution of the United States; whereupon the said convention shall be, and is hereby, authorized to form a constitution and State government for said proposed State. The constitution shall be republican in form, and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And said convention shall provide, by ordinance irrevocable without the consent of the United States and the people of said State:

First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship.

Second. That the people inhabiting said proposed State do agree and declare that they forever disclaim all right and title in or to any unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian tribe; and that until the title thereto shall have been extinguished by the United States the same shall be and remain subject to the disposal of the United States. And said Indian land shall remain under the jurisdiction and control of the Congress of the United States; that land belonging to citizens of the United States residing without the limits of said State shall never be taxed at a higher rate than the lands belonging to the residents thereof; that no taxes shall be imposed by the State on lands or property belonging to or which may hereafter be purchased by the United States or reserved for its use. But nothing herein, or in the ordinances herein provided for, shall preclude the said State from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States, or from any person, a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the land thus granted from taxation; but such ordinance shall provide that all such lands shall be exempt from taxation by said State so long and to such extent as such act of Congress may prescribe: *Provided*, That the constitutional convention provided for herein shall, by ordinance irrevocable, express the consent of the State of Oklahoma that Congress may at any time, or from time to time, attach all or any part of the Indian Territory to the State of Oklahoma after the title to said lands in said Indian Territory is extinguished in the tribes now claiming the same, and the same assigned in severalty and subject to taxation.

Third. That the debts and liabilities of said Territory of Oklahoma shall be assumed and paid by said State.

Fourth. That provision shall be made for the establishment and maintenance of a system of public schools, which shall be open to all the children of said State and free from sectarian control; and said schools shall always be conducted in English: *Provided*, That this act shall not preclude the teaching of other languages in said public schools.

Mr. HOOKER. Mr. Chairman, I move to strike out the proviso on page 4 of the bill which makes it the duty of the Territory of Oklahoma to acquire territory from the Indians.

The CHAIRMAN. The Clerk will report the proposed amendment.

The Clerk read as follows:

Strike out the proviso in section 3 of the bill from the word "*Provided*," on page 4, to the word "taxation," on page 5.

Mr. HOOKER. Mr. Chairman, I desire to say a word on this subject. This is an entirely abnormal and unusual provision.

Mr. PAYNE. I hope the words which are proposed to be stricken out may be read.

Mr. HOOKER. I will read them to you, if you have not read them yourself. The proviso is:

Provided, That the constitutional convention provided for herein shall, by ordinance irrevocable, express the consent of the State of Oklahoma that Congress may at any time, or from time to time, attach all or any part of the Indian Territory to the State of Oklahoma after the title to said lands in said Indian Territory is extinguished in the tribes now claiming the same, and the same assigned in severalty and subject to taxation.

I say that this is an unusual and extraordinary provision. You propose to create a State out of Oklahoma by the boundaries and metes now provided by law constituting that Territory, and yet you require by this provision that in the convention which Oklahoma is to call it shall by irrevocable ordinance give consent to the addition of such portions of the Indian Territory from time to time, or all of it, as Congress may choose to determine. I say that such a provision has never been added to any Territorial bill passed by Congress, whether an omnibus bill or a special bill. It

is unjust to the Indians, as I have before remarked. I have given my reasons for it. As has been well said by the gentleman from Missouri, they ought to be put under a Territorial government, and no State ought to be clothed with the power and authority to take any portion of their land in violation of the treaties of the Government of the United States, no matter whether that State be Oklahoma, now proposed to be admitted, or any other State.

The Oklahoma convention could not, under the law, under the treaties, and under the Constitution, clothe herself with the power to do any such thing. It is abnormal and unnatural, and if the committee act properly I think they will agree with me that it is better to strike out this proviso, which has no connection with the bill and ought never to be put into it. If they do that, in my opinion, they will pass their bill as it has been advocated by the gentleman from Massachusetts [Mr. KNOX], the chairman of the committee, and as it has been strenuously advocated by the representatives from Oklahoma, New Mexico, and Arizona.

If this proposition is retained in the bill, it will be the means in the future, in case Congress should determine to do so, to increase by adding the whole of the Indian Territory to Oklahoma. I take it, from the vote upon the amendment offered by the gentleman from Arkansas, that there are many who voted against that amendment who yet believe that at some time in the future, when the conditions in the Indian Territory shall justify it, that Territory, or part of it, at least, shall become a part of the State of Oklahoma.

Mr. CRUMPACKER. Does the gentleman believe that this provision will bind the State of Oklahoma when it shall have been established?

Mr. KNOX. I do.

Mr. CRUMPACKER. Is it the understanding of the gentleman that it is binding on the United States Government also?

Mr. KNOX. It leaves the power in Congress, where it is now. We do not undertake to vacate the power of Congress in any case as to the Indian Territory or any part of it, but as to the State of Oklahoma we do.

Mr. CRUMPACKER. I understand that any time any future Congress, notwithstanding this provision, shall have the right and the power to erect or to make a new State out of the Indian Territory, the same as it has now.

Mr. KNOX. I understand that is so. The enabling act which gives Oklahoma the authority to hold the convention and to form a constitution that governs this whole matter will be binding upon Oklahoma to admit any part of the Indian Territory that Congress shall dictate.

Mr. RAY of New York. I would like to ask the gentleman a question.

Mr. KNOX. Certainly.

Mr. RAY of New York. I would like to inquire if he thinks that under the Constitution of the United States we can create a sovereign State to-day, clothe her with the powers of a sovereign State, and in so doing impose a condition that at some future time, when we see fit, we may attach to her and make a part of that sovereign State some other territory, some other people, against her consent, and that we can bind such new State by such a condition.

Mr. KNOX. I answer that question confidently in the affirmative.

Mr. RAY of New York. Where do you get any authority for it?

Mr. KNOX. Here in the very act that gives to the Territory of Oklahoma its power to have a convention to adopt a constitution on which it will be admitted into the Union as a State. In that very enabling act; and it is granted, and presumably it would be so held, as a binding condition of this irrevocable agreement to admit the Indian Territory or any part of it. It is in her constitution. It is a condition imposed by the United States in the act which enables her to make a constitution. It starts from the beginning.

Mr. RAY of New York. Now, would it not be true if we pass this law, and then under that law admit that Territory as a State, that the newly created State of Oklahoma will have all the powers, all the sovereign powers, that any one of the original thirteen States had, each one of them? It has been decided over and over again that whatever the conditions are or the limitations you attempt to impose that when you have created a new State—and the law enacted by Congress may make whatever condition it pleases to impose—still you have granted and conferred all the powers and sovereignty that each of the original thirteen States had, and you can not reserve or keep from such new State any of those sovereign powers. You may just as well undertake to say that the people of one of the Territories shall be attached to Texas or shall be attached to any other of the States against her will as to put this proviso here in this bill. It has no force whatever.

Mr. KNOX. We do not say that they shall be attached to anything.

Mr. RAY of New York. But what you undertake to say in

this proviso is that hereafter Congress may attach the Indian Territory—

Mr. KNOX. Nothing of the kind.

Mr. RAY of New York (continuing). Or a part of it, to Oklahoma.

Mr. KNOX. Nothing of the kind. We say that Oklahoma shall express her consent, and that shall be an irrevocable ordinance.

Mr. RAY of New York. Then under this bill you are not granting sovereign powers to this newly created State. You are seeking to impose restrictions and reserving the right to Congress to tell Oklahoma that she must at a future day receive other people and an extension of territory.

Mr. KNOX. Oh, no.

Mr. RAY of New York. You can not constitutionally enact this proviso. It will have no force.

Mr. KNOX. Now, as to the suggestion that the gentleman makes, this is a primary condition imposed by this bill on the State when it is raised from the condition of a Territory. Do you think that after they have done that that they subsequently can repudiate it, that being one of the conditions upon which this enabling act is passed? Do you think that after the bill creating the Territory of Utah a State that they could enact a law authorizing polygamy, if it were otherwise lawful, under their agreement?

Mr. RAY of New York. We may impose any condition we please that is preliminary to their coming in; and they must accept those conditions when they come in, and make their contract and make their bargain themselves. But once in, the contract can not be enforced. But that is a different proposition entirely from the one contained in this bill. This is a proposition where you undertake to say that we will give Oklahoma statehood, make her a sovereign people, a sovereign power, and she must agree that at some subsequent time, as a sovereign State, she will permit the Government of the United States to attach to her other people and other territory. I refer you to *Escanaba Co. v. Chicago* (107 U. S., 678), and *Huse v. Glover* (119 U. S., p. 546). Such provisions are void.

Mr. KNOX. Not at all. They agree to it; they express their consent to it; it is not a future agreement at all.

Mr. RAY of New York. Oh, no; not at all; not for a moment.

Mr. KNOX. Not for a moment, but forever. [Laughter.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired. [Cries of "Vote!" "Vote!"]

Mr. KNOX. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the adoption of the amendment.

Mr. LITTLE. Mr. Chairman—

The CHAIRMAN. Debate is exhausted.

Mr. LITTLE. I move to strike out the last word. Mr. Chairman, I hope the amendment offered by the gentleman from Mississippi may be adopted. I believe it will be not only an unwise but an unjust policy toward the future prosperity and hopes of the people of the Indian Territory to have the grab hooks around its neck with a threat or a promise that hereafter that Territory or any part of it may be added to the State of Oklahoma if she should be admitted to statehood under this bill.

We waive for the present the question whether it is within the power of Congress to lay a condition of this character that would bind a sovereign State after its admission to statehood; but passing that by, I want to address myself to the wisdom of the proposition. I happen to personally know hundreds of citizens of the Indian Territory, both Indian citizens and noncitizens, and I can say to you what I believe to be the truth when I say it is the hope of that great people and that great resourceful country that in the near future they may alone represent one of the stars of our flag. I voted against the proposition to unite the two. I did it, first, because I believe it would, if adopted, defeat the pending bill, which I hope may pass; and, second, I believed the policy ought to be defined now—I believe this Congress should say that it is not only its purpose to make a State out of the Territory of Oklahoma but that it is its purpose and intention to ultimately make a sovereign and independent State out of the Indian Territory.

There is there to-day sufficient intelligence, sufficient manhood, sufficient of American citizenship to bear aloft the banner of a beautiful and grand State. Over 300,000 American citizens—not ignorant citizens, as has been indicated—are within its borders. The children, it is true, have no schools except in the towns and cities, but some of the best blood of the surrounding States of the American Union are citizens of that country. They have builded up there prosperous towns and cities all over the country, running up into the hundreds, and so far as that is concerned there is taxable property and privileges sufficient in the Indian Territory to support a splendid Territorial government and to bring the promise of free schools to the people of that Territory.

Therefore I hope that this amendment may be adopted, to the end that the uncertainty, created by the provision sought to be stricken out, in the future toward the people of this Territory may be removed, and that they may go on building up the Territory and building up their country with the certainty, or at least the hope, that this Congress will give them Territorial government, and when the time comes, and in the near future, it will extend to them the privileges and rights and sovereignty of an independent State. [Applause.] Mr. Chairman, I withdraw my pro forma amendment.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Mississippi [Mr. HOOKER].

The question was taken; and on a division demanded by Mr. HOOKER there were—33 ayes and 101 noes.

So the amendment was lost.

Mr. ROBERTS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 3, line 18, after the word "worship," add "provided that nothing herein contained shall be construed to legalize the practice of polygamy."

The amendment was considered and adopted.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 10. That said sections 13 and 33 aforesaid when sold shall be disposed of at public sale as the legislature of said State may prescribe, preference right to purchase being given to the lessee at the time of such sale; but the same may be leased for periods of not more than five years, under such rules and regulations as the legislature shall prescribe, and shall not be subject to homestead entry or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for designated purposes only, and until such time as the legislature shall prescribe the same shall be leased under existing rules.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to ask a member of the committee how the schools are supported now?

Mr. FLYNN. By the land that we now have. This confirms to us the lands reserved to us since we have been a Territory, and we are using them now.

Mr. GAINES of Tennessee. That is what I thought; this confirms the lands as the property of the schools?

Mr. FLYNN. Yes.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. HALE, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendment bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 13996. An act making appropriations for the diplomatic and consular service in the Republic of Cuba.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 3567. An act granting an increase of pension to Peter J. Osterhaus.

ADMISSION OF OKLAHOMA, ARIZONA, AND NEW MEXICO AS STATES.

The committee resumed its session.

The Clerk read as follows:

SEC. 19. That the inhabitants of all that part of the area of the United States now constituting the Territory of Arizona as at present described may become the State of Arizona, as hereinafter provided.

Mr. OVERSTREET. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out section 19 and insert in lieu thereof the following:

"SEC. 19. The inhabitants of all that part of the area of the United States now constituting the Territories of New Mexico and Arizona as at present described may become a State under the name of Montezuma, or such name as may be finally determined by the convention to be elected under this act."

Mr. OVERSTREET. Mr. Chairman, I wish to have this amendment pending in order that members may see it in the RECORD. As the hour is late, I have no disposition to press it further to-night.

Mr. KNOX. Mr. Chairman, before moving that the committee rise I wish to state that, though to-morrow is, under the rules, pension day, it is our intention to go on with the consideration of this bill to-morrow morning. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HEMENWAY reported that the Committee of

the Whole on the state of the Union had had under consideration the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States, and had come to no resolution thereon.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3748. An act for the relief of M. L. Cobb, administrator of W. W. Cobb—to the Committee on Claims.

S. 1988. An act to ratify an agreement with the Indians of the Klamath Indian Reservation in Oregon, and making appropriations to carry the same into effect—to the Committee on Indian Affairs.

S. 1672. An act for the relief of Elisha A. Goodwin, executor of the estate of Alexander Goodwin—to the Committee on Claims.

S. 2276. An act to fix the time of holding the circuit and district courts for the southern district of West Virginia—to the Committee on the Judiciary.

S. 4408. An act to amend section 934 of an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901—to the Committee on the District of Columbia.

S. 3237. An act to grant jurisdiction and authority to the Court of Claims in the case of *Southern Railway Lighter No. 10*, her cargoes, etc.—to the Committee on Claims.

S. 111. An act for the relief of William J. Smith and D. M. Wisdom—to the Committee on Claims.

S. 1874. An act for the relief of Frank F. Flournoy—to the Committee on Claims.

S. 576. An act for the relief of Mrs. P. J. Getty, administratrix—to the Committee on War Claims.

S. 5460. An act to refer the claim of John S. Mosby against the United States for the value of certain tobacco to the Court of Claims—to the Committee on War Claims.

S. 4769. An act to fix the fees of jurors in the United States courts—to the Committee on the Judiciary.

S. 136. An act for the relief of Mrs. Martha E. West—to the Committee on War Claims.

S. 92. An act for the relief of Howard Lodge, No. 13, I. O. O. F., of Gallatin, Tenn.—to the Committee on War Claims.

S. 2992. An act to ratify an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation to carry the same into effect—to the Committee on Indian Affairs.

S. 2056. An act granting an increase of pension to David J. Newman—to the Committee on Invalid Pensions.

S. 5209. An act granting an increase of pension to Hannah A. Van Eaton—to the Committee on Invalid Pensions.

S. 1614. An act granting an increase of pension to Nelson W. Carlton—to the Committee on Invalid Pensions.

S. 5052. An act granting an increase of pension to Gilbert Barkalow—to the Committee on Invalid Pensions.

S. 2863. An act granting an increase of pension to Mary L. Purington—to the Committee on Invalid Pensions.

S. 3551. An act granting an increase of pension to John P. Collier—to the Committee on Invalid Pensions.

S. 5371. An act granting an increase of pension to Jonathan O. Thompson—to the Committee on Invalid Pensions.

S. 2457. An act granting an increase of pension to Warren Y. Merchant—to the Committee on Invalid Pensions.

S. 5118. An act granting an increase of pension to Adam Stuber—to the Committee on Invalid Pensions.

S. 896. An act granting an increase of pension to James E. McNair—to the Committee on Invalid Pensions.

S. 2646. An act granting a pension to Justus L. Denton—to the Committee on Invalid Pensions.

S. 5119. An act granting an increase of pension to Samuel S. Walch—to the Committee on Invalid Pensions.

S. 4982. An act granting an increase of pension to John Fler—to the Committee on Invalid Pensions.

S. 4727. An act granting an increase of pension to Isaac Rhodes—to the Committee on Invalid Pensions.

S. 2697. An act granting an increase of pension to Sarah F. Baldwin—to the Committee on Invalid Pensions.

S. 5506. An act granting an increase of pension to Clayton P. Van Houten—to the Committee on Pensions.

S. 4710. An act granting a pension to Anna May Hogan—to the Committee on Invalid Pensions.

S. 3506. An act granting an increase of pension to Stanley M. Casper—to the Committee on Invalid Pensions.

S. 712. An act granting a pension to John Housiaux—to the Committee on Invalid Pensions.

S. 3888. An act granting a pension to Jesse H. Hubbard—to the Committee on Invalid Pensions.

S. 5424. An act granting an increase of pension to Cynthia J. Shattuck—to the Committee on Invalid Pensions.

S. 5103. An act granting an increase of pension to Horace L. Richardson—to the Committee on Invalid Pensions.

S. 4790. An act directing payment of pension to Stephen A. Seavey—to the Committee on Invalid Pensions.

S. 1184. An act granting a pension to Mary Florence Von Steinwehr—to the Committee on Invalid Pensions.

S. 1471. An act for the relief of Henry G. Rogers—to the Committee on Military Affairs.

S. 5302. An act granting an increase of pension to John H. Everitt—to the Committee on Invalid Pensions.

S. 5080. An act granting a pension to Hester J. Farnsworth—to the Committee on Invalid Pensions.

S. 4240. An act granting a pension to Calvin N. Perkins—to the Committee on Invalid Pensions.

S. 1458. An act granting an increase of pension to Linda W. Slaughter—to the Committee on Invalid Pensions.

S. 4712. An act granting an increase of pension to Eliphalet Noyes—to the Committee on Invalid Pension.

S. 5202. An act granting an increase of pension to Jennie Wagner—to the Committee on Pensions.

S. 4415. An act granting an increase of pension to Vesta A. Brown—to the Committee on Invalid Pensions.

S. 2168. An act granting an increase of pension to Charles O. Baldwin—to the Committee on Invalid Pensions.

S. 921. An act granting an increase of pension to Joanna Rogers—to the Committee on Invalid Pensions.

S. 5402. An act granting an increase of pension to Hiram H. Thomas—to the Committee on Invalid Pensions.

S. 5534. An act granting an increase of pension to Abbie C. Bremner—to the Committee on Invalid Pensions.

S. 3567. An act granting an increase of pension to Peter J. Osterhaus—to the Committee on Invalid Pensions.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bill and joint resolution of the following titles:

H. R. 4446. An act for the relief of Harry C. Mix; and
H. J. Res. 177. Joint resolution providing for the printing of the American Ephemeris and Nautical Almanac.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. KNAPP, for one week, on account of sickness in his family.

To Mr. CUSHMAN, until May 12, on account of important business.

SUBSIDIARY SILVER COINAGE.

Mr. COCHRAN. I ask unanimous consent to file the views of a minority of the Committee on Coinage, Weights, and Measures on the bill (H. R. 12704) to increase the subsidiary silver coinage.

The SPEAKER. Is there objection to the request of the gentleman from Missouri? The Chair hears none, and leave is granted.

LEAVE TO PRINT.

Mr. LLOYD. I ask unanimous consent to extend in the RECORD some remarks that I made to-day on what is known as the statehood bill.

There was no objection, and leave was accordingly granted.

And then, on motion of Mr. KNOX (at 5 o'clock p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting schedules of useless papers on the files of the various offices of his Department—to the Joint Committee on Disposition of Useless Papers, and ordered to be printed.

A letter from the Secretary of War, transmitting a letter from the Chief of Engineers urging the passage of Senate joint resolution 34, authorizing printing of report on testing hydraulic cements—to the Committee on printing, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LACEY, from the Committee on Indian Affairs, to which

was referred the bill of the Senate (S. 4962) to ratify and confirm an agreement with the Red Lake and Pembina bands of Indians, of the Red Lake Reservation, Minn., and making appropriation to carry the same into effect, reported the same without amendment, accompanied by a report (No. 1936); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. VREELAND, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 8729) to establish a fish hatchery and fish station in the State of Utah, reported the same without amendment, accompanied by a report (No. 1938); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FORDNEY, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 10592) to establish a fish-hatching and fish station in the State of Michigan, reported the same without amendment, accompanied by a report (No. 1939); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COCHRAN, from the Committee on Coinage, Weights, and Measures, to which was referred the bill of the House (H. R. 12704) to increase the subsidiary silver coinage, submitted the views of the minority of said committee (Report No. 1092, part 2); which said views were referred to the Committee of the Whole House on the state of the Union.

Mr. TALBERT, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 13363) to maintain the gold standard, provide an elastic currency, equalize the rates of interest throughout the country, and further amend the national banking laws, submitted the views of the minority of said committee (Report No. 1425, part 2); which said views were referred to the Committee of the Whole House on the state of the Union.

Mr. BARTLETT, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 13363) to maintain the gold standard, provide an elastic currency, equalize the rates of interest throughout the country, and further amend the national banking laws, submitted his views thereon (Report No. 1425, part 3); which said views were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. REID, from the Committee on Claims, to which was referred the bill of the Senate (S. 167) for the relief of John L. Smithmeyer and Paul J. Pelz, reported the same with amendment, accompanied by a report (No. 1937); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 14228) granting a pension to Julius Felix; and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. RYAN: A bill (H. R. 14277) to prevent fraud in the sale of boots, shoes, slippers, or other leather foot wear—to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: A bill (H. R. 14278) providing for the payment of the award of the Secretary of the Interior in favor of the Cherokees, made under the provisions of the act of Congress of March 3, 1893, as set forth in the findings of fact by the Court of Claims of April 28, 1902, in Senate Document No. 334 of the Fifty-seventh Congress, first session—to the Committee on Indian Affairs.

By Mr. WILEY: A bill (H. R. 14279) to erect suitable buildings, and to improve the grounds around the same for disabled Confederate soldiers, at or near Mountain Creek, Ala.—to the Committee on Military Affairs.

By Mr. MONDELL: A bill (H. R. 14280) providing for national trophy and prizes for rifle competition—to the Committee on Military Affairs.

By Mr. MORRELL: A bill (H. R. 14281) to prevent discrimination by common carriers of passengers carried in the District of Columbia on account of race or color—to the Committee on the District of Columbia.

By Mr. ELLIOTT: A bill (H. R. 14304) to authorize the President of the United States to nominate as second lieutenant of infantry in the United States Army on the retired list the oldest

enlisted man on the rolls of the Army—to the Committee on Military Affairs.

By Mr. ROBERTS: Resolutions of the Massachusetts legislature, favoring increase of salaries for United States letter carriers—to the Committee on the Post-Office and Post-Roads.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMS: A bill (H. R. 14282) to remove the charge of desertion from the record of William Durst, alias Walter David, United States Navy—to the Committee on Naval Affairs.

By Mr. BALL of Texas: A bill (H. R. 14283) for the relief of the First National Bank of Navasota, Tex.—to the Committee on Claims.

By Mr. BATES: A bill (H. R. 14284) granting an increase of pension to B. W. Fortner—to the Committee on Invalid Pensions.

By Mr. BULL: A bill (H. R. 14285) granting a pension to Denison L. Brown—to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 14286) for the relief of the estate of David R. Hubbard—to the Committee on War Claims.

By Mr. JACKSON of Kansas: A bill (H. R. 14287) granting an increase of pension to William W. Kingsland—to the Committee on Pensions.

By Mr. JONES of Washington: A bill (H. R. 14288) granting a pension to Edward McCarty—to the Committee on Pensions.

By Mr. LITTLE (by request): A bill (H. R. 14289) for the relief of Thomas J. Estes—to the Committee on Military Affairs.

By Mr. LITTLEFIELD: A bill (H. R. 14290) granting an increase of pension to Edwin L. Roberts—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 14291) granting an increase of pension to Elizabeth Whitty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14292) granting a pension to Sarah A. E. McLean—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14293) for the relief of John D. Hicks, sr., of Hampton, Va.—to the Committee on War Claims.

Also, a bill (H. R. 14294) for the relief of Edward William Bailey—to the Committee on Claims.

By Mr. MOODY of Oregon: A bill (H. R. 14295) authorizing the transfer to the retired list of the Navy of Naval Constructor Richmond P. Hobson, United States Navy—to the Committee on Naval Affairs.

By Mr. POWERS of Maine: A bill (H. R. 14296) granting a pension to Jere Fenno—to the Committee on Pensions.

By Mr. ROBINSON of Nebraska: A bill (H. R. 14297) granting a pension to James E. Harmon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14298) granting an increase of pension to Eldridge Campbell—to the Committee on Invalid Pensions.

By Mr. SIBLEY: A bill (H. R. 14299) granting an increase of pension to James Dunlap—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 14300) for the relief of the Methodist Church at Newhaven, Ky.—to the Committee on War Claims.

By Mr. ELLIOTT: A bill (H. R. 14301) to allow Sergt. William J. Boone, Troop E, Fourteenth Cavalry, to be examined for promotion to the grade of second lieutenant in the Army, notwithstanding his being a married man—to the Committee on Military Affairs.

By Mr. WILLIAMS of Illinois: A bill (H. R. 14302) granting an increase of pension to Samuel Burrell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14303) granting an increase of pension to Robert H. Maricle—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BROMWELL: Petition of distillers of Cincinnati, Ohio, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. BULL: Papers to accompany House bill 14285, granting a pension to Denison L. Brown—to the Committee on Invalid Pensions.

By Mr. BURKETT: Petition of citizens of Lincoln, Nebr., in favor of amendments to the bankruptcy act—to the Committee on the Judiciary.

By Mr. CAPRON: Resolution of Budlong Post, No. 18, Grand Army of the Republic, Department of Rhode Island, favoring

House bill 3067, relating to pensions—to the Committee on Invalid Pensions.

Also, resolutions of the town council of Charlestown, R. I., urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. COOMBS: Resolutions of the State Association of Master Plumbers of California, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Resolutions of Engineers' Society of Western Pennsylvania, in favor of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. EDWARDS: Resolutions of Anaconda Lodge, No. 614, of Anaconda, Mont., Brotherhood of Railroad Trainmen, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolution of Montana Stock Growers' Association, Helena, Mont., for an amendment of the census law, providing for an annual classified census of live stock—to the Select Committee on the Census.

By Mr. FOERDERER: Petitions of Fisher, Bruce & Co. and A. B. Kirschbaum & Co., Philadelphia, Pa., favoring the passage of House bill 13679, to amend the bankruptcy act—to the Committee on the Judiciary.

By Mr. GILBERT: Petitions of sundry citizens of Anderson and Jessamine counties, Ky., in favor of House bills 178 and 179, reducing the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. GRAHAM: Resolutions of Post No. 157, of Pittsburg, Department of Pennsylvania, Grand Army of the Republic, favoring House bill 3067, relating to pensions—to the Committee on Invalid Pensions.

By Mr. GREEN of Pennsylvania: Paper to accompany House bill 14261, granting a pension to Nathan Hawk—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: Resolutions of the Credit Men's Association of Columbus, Ohio, indorsing the Ray bankruptcy bill—to the Committee on the Judiciary.

Also, resolutions of the Sixth Annual Convention of the American Blind People's Higher Education and various other institutions, favoring the education of the blind—to the Committee on Education.

By Mr. HAMILTON: Petition of citizens of Detroit, Mich., for Congressional intervention in behalf of the people of the South African Republic—to the Committee on Foreign Affairs.

By Mr. HITT: Petition of 21 citizens of Fulton County, Ill., for repeal of the duties on beef, veal, mutton, and pork—to the Committee on Ways and Means.

By Mr. HOLLIDAY: Resolutions of United Mine Workers' Union No. 1131, of Staunton; No. 24, of Rosedale, and Labor Union No. 139, of Lyford, Ind., favoring the restriction of the immigration of cheap labor from the south and east of Europe—to the Committee on Immigration and Naturalization.

By Mr. LACEY: Resolutions of the Commercial Exchange of Burlington, Iowa, in favor of the Lodge consular bill—to the Committee on Foreign Affairs.

By Mr. LINDSAY: Resolution of the Republican Club of Brooklyn, N. Y., favoring the construction of one or more war ships in the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

By Mr. MAHONEY: Petition of St. Cecylia Society and Ludwig Nigolewski Society, of Chicago, Ill., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. MORRELL: Resolution of the Germania Turnverein, of Philadelphia, Pa., favoring the adoption by Congress of a resolution of sympathy with the people of the South African Republic and the Orange Free State—to the Committee on Foreign Affairs.

By Mr. OTJEN: Petition of citizens of Milwaukee, Wis., favoring Senate bill 5002 and House bill 12940, designated as the inquiry commission bill—to the Committee on Labor.

By Mr. PALMER: Petition of Edward E. Reynolds and others of Kingston, Hazleton, Wilkesbarre, and other towns in Pennsylvania, favoring House bill 8735, for the establishment and maintenance of schools of mines and mining—to the Committee on Mines and Mining.

By Mr. PEARRE: Petition of Freeman West and 35 other citizens of Garrett County, Md., asking for the passage of House bills 178 and 179—to the Committee on Ways and Means.

By Mr. RUPPERT: Resolutions of the Union Republican Club of the Twenty-second assembly district of New York, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. SIBLEY: Resolution of Lodge No. 105, Brotherhood of Railroad Trainmen, Oil City, Pa., favoring the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Kentucky: Papers to accompany bill for the relief of the Methodist Episcopal Church South, New Haven, Ky.—to the Committee on War Claims.

By Mr. SULZER: Petitions of Louise B. Wallace, W. E. Thompson, Alexander Geddes, and 11 others; also W. A. Duvall, Thomas O. Crouse, and 5 other citizens, all of Baltimore, Md., praying for intervention between the Boer Republic and Great Britain to the end that hostilities may cease—to the Committee on Foreign Affairs.

By Mr. WANGER: Resolution of Lieutenant John H. Fisher Post, No. 101, of Hatboro, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Papers to accompany House bill granting a pension to Robert H. Maricle—to the Committee on Invalid Pensions.

By Mr. WOOTEN: Resolutions of Local Branch No. 28, United Brotherhood of Leather Workers on Horse Goods, protesting against the President's order prohibiting utterances by Government employees—to the Committee on the Judiciary.

Also, resolutions of Cattle Raisers' Association of Texas, favoring the passage of the Foraker-Corliss safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the same association, protesting against leasing public lands to individuals and private corporations—to the Committee on the Public Lands.

Also, resolution of the same association, favoring the passage of House bill 6565, known as the Grosvenor pure-fiber bill—to the Committee on Ways and Means.

Also, resolutions of the same association, in favor of certain bills affecting the cattle interests—to the Committee on Agriculture.

SENATE.

FRIDAY, May 9, 1902.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SPOONER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

PETITIONS AND MEMORIALS.

Mr. SPOONER presented a petition of the Federated Trades Council, of Madison, Wis., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented resolutions adopted at a meeting of the Turn Verein, of Sheboygan, and of the Gymnastic Association, of Milwaukee, in the State of Wisconsin, expressing sympathy with the people of the South African Republic and the Orange Free State; which were referred to the Committee on Foreign Relations.

He also presented petitions of Local Division No. 176, Brotherhood of Locomotive Engineers, of Baraboo; of Local Division No. 68, Order of Railway Conductors, of Baraboo; of Hall of Fox River Division, No. 373, Order of Railway Conductors, of Green Bay; of Hall of Guard Rail Lodge, No. 168, Brotherhood of Locomotive Firemen, of North La Crosse, and of Local Division No. 297, Brotherhood of Locomotive Engineers, of Green Bay, all in the State of Wisconsin, praying for the passage of the so-called Hoar bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were referred to the Committee on the Judiciary.

Mr. KEAN presented a petition of the Woman's Christian Temperance Union, of Avon, N. J., praying for the appointment of a commission to investigate the practical working of woman suffrage in Wyoming, Colorado, Utah, and Idaho; which was referred to the Committee on Woman Suffrage.

He also presented a petition of the Morris County Retail Liquor Dealers and Hotel Keepers' Protective Association, of Morristown, N. J., praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of Newark Lodge, No. 219, Brotherhood of Railroad Trainmen, of Newark, N. J., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating

against the passage of any substitute therefor; which was referred to the Committee on the Judiciary.

Mr. CLAPP presented a petition of the Northwestern Furriers' Union, of St. Paul, Minn., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. CULLOM presented petitions of Local Division No. 294, Brotherhood of Locomotive Engineers, of Chicago; of Lodge No. 456, Brotherhood of Railroad Trainmen, of Chicago; of Lodge No. 375, Brotherhood of Locomotive Trainmen, of Chicago, and of Local Division No. 31, Brotherhood of Locomotive Engineers, of Aurora, all in the State of Illinois, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were referred to the Committee on the Judiciary.

He also presented the petition of A. Y. Trogdon, of Paris, Ill., praying that relief be granted him for the prosecution of certain pension claims; which was referred to the Committee on Pensions.

Mr. COCKRELL presented a resolution adopted at a meeting of the Rockspring Turn Verein, of Rockspring, Mo., expressing sympathy with the people of the South African Republic and the Orange Free State; which was referred to the Committee on Foreign Relations.

He also presented a petition of Local Division No. 55, Order of Railway Conductors, of Kansas City, Mo., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was referred to the Committee on the Judiciary.

Mr. HALE presented petitions of the Board of Trade of Portland and of the Portland Marine Society, of Portland, in the State of Maine, praying for the enactment of legislation granting pensions to surfmen and increasing the pay of superintendents of the Life-Saving Service; which were referred to the Committee on Commerce.

He also presented a petition of Aroostook Lodge, No. 393, Brotherhood of Railroad Trainmen, of Houlton, Me., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was referred to the Committee on the Judiciary.

He also presented petitions of the New Hampshire Annual Conference of the Methodist Episcopal Church and of the Presbytery of New York, praying for the enactment of legislation increasing the pay of chaplains in the United States Navy, etc.; which were referred to the Committee on Naval Affairs.

Mr. BLACKBURN presented petitions of sundry citizens of Jessamine County, Harrison County, Bourbon County, Anderson County, Fayette County, and Franklin County, all in the State of Kentucky, praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which were referred to the Committee on Finance.

Mr. DEPEW presented a petition of the Central Republican Club of New York City, N. Y., praying for the enactment of legislation to increase the salaries of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PENROSE presented petitions of Division No. 215, of Bowling Green; of Simon Kenton Lodge, No. 345, of Covington; of Division No. 239, Order of Railway Conductors, of Lexington; of Adair Division, No. 365, of Louisville; of Cumberland Mount Lodge, of Somerset; of the Order of Railroad Telegraphers, of Russell; of Chesapeake Lodge, No. 454, of Russell; of the Brotherhood of Railroad Trainmen of Louisville; of Division No. 89, Order of Railway Conductors, of Louisville, all of the State of Kentucky; of Local Union No. 278, of Lebanon; of Delaware Lodge, No. 123, Brotherhood of Railroad Trainmen, of Wilmington; of Brotherhood of Railroad Trainmen, Brandywine Lodge, No. 528, of Wilmington; Order of Railway Conductors, Division No. 224, of Wilmington, all of the State of Delaware; of Locomotive Engineers, Division No. 216, of Pine Bluff; of Cotton Belt Division, Order of Railway Conductors, of Pine Bluff; of Locomotive Engineers, Division No. 182, of Little Rock; of Division No. 554, of Little Rock; of Big Rock Lodge, No. 49, Brotherhood of Railroad Trainmen, of Little Rock, all of the State of Arkansas; of Savage Mountain Lodge, No. 22, of Mount Savage; of Monumental Division, No. 52, of Baltimore; of Baltimore Division, No. 337, Order of Railway Conductors; of Brotherhood of Railroad Trainmen, Lodge No. 124, of Baltimore; of Good Intent Lodge, No. 447, of Baltimore; of Monumental Lodge, No. 438, of Baltimore; of Brotherhood of Railroad Trainmen of Brunswick;